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Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

I. Introduction

1. In paragraph 30 of resolution 1546 (2004) of 8 June 2004, the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the eighth submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the last report (S/2006/137 of 3 March 2006). It presents a summary of key political developments in the period under review, particularly with regard to the government formation process and regional developments pertaining to Iraq. The report also provides an update on the activities of my Special Representative for Iraq, Ashraf Jehangir Qazi, the activities of UNAMI, an assessment of the security situation and an update on operational and security matters.

II. Summary of key developments in Iraq

A. Key political developments

3. During the period under review, the main focus of attention was the process of government formation. Since the elections for a new parliament, the Council of Representatives, held in December 2005, Iraq has witnessed a period of extensive and complex negotiations to form its first constitutional government for a full four-year term. Political leaders representing a broad political, ethnic and religious spectrum have participated in these negotiations. The bombing of the holy Shiite shrine of Imams Ali al-Hadi and Al-Hasan al-Askari in Samarra on 22 February 2006 and the increasing sectarian violence in its aftermath, led to further complications as well as delays in these negotiations.

4. Meanwhile, the first session of the new Council of Representatives was convened on 16 March 2006 following protracted negotiations. As the oldest member of parliament, Adnan Pachachi served as acting speaker of the meeting. The parliamentarians took the oath of allegiance, but were not able to elect the Speaker and the two deputies on that day, as required by the Constitution. The meeting was

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therefore suspended until a later date. Although there was general agreement among the main party alliances in the parliament to form a government of national unity, its composition remained the subject of difficult and complex negotiations. President Jalal Talabani chaired regular consultations with the political leaders of Iraq to advance the government formation process.

5. Negotiating parties postponed the continuation of government formation talks for the period of the Shiite commemoration ceremonies of *Arba'in* and the Kurdish *Nawruz* festival in the second half of March. When government formation talks resumed on 25 March, a preliminary agreement was reached on a government programme between the coalitions which were likely to form the new Government. However, sectarian violence and a deterioration of the law and order situation continued. While negotiators were reaching understandings on the national character of the government, its parameters and structure, the discussions within the United Iraqi Alliance on the candidacy for Prime Minister stalled.

6. On 20 April 2006, Mr. Al-Jaafari announced that he would abide by any decision the United Iraqi Alliance took regarding his candidacy for the post of Prime Minister. As a result, the United Iraqi Alliance met on 21 April 2006, leading to the selection of an alternative candidate from the Da'wa Party — Jawad al-Maliki — as the new candidate of the United Iraqi Alliance for the position of Prime Minister. This development helped to move the political process forward.

7. On 23 April 2006, the Council of Representatives resumed its session that had been suspended on 16 March and elected Jalal Talabani as the new President of Iraq. Adel Abdul Mahdi from the Supreme Council for the Islamic Revolution in Iraq — a member of the United Iraqi Alliance — and Tareq al-Hashemi from the Iraqi Islamic Party — a member of the Tawafoq coalition — were elected as Vice-Presidents. The parliament also elected its Speaker, Mahmoud al-Mashhadani from the Council for Iraqi Dialogue of the Tawafoq, and two Deputy Speakers, Arif Tayfour of the Kurdish Alliance and Khaled al-Attiyya from the United Iraqi Alliance. Jawad al-Maliki was nominated as the Prime Minister-designate. In accordance with article 76 of the Constitution, President Talabani then charged the Prime Minister-designate with the formation of the Council of Ministers within 30 days.

8. On 20 May 2006, the Council of Representatives approved the appointment of the new Government of Iraq, including Jawad al-Maliki as Prime Minister and Barham Saleh (Patriotic Union of Kurdistan) and Salam al-Zubaie (General Conference for the People of Iraq) as Deputy Prime Ministers. The Parliament also approved the appointment of 37 ministers, including 26 ministers and 11 ministers of State, as well as a 34-point government programme concentrating on measures to improve security, combat corruption, promote national unity and strengthen government institutions throughout Iraq. Four women were appointed to the Cabinet representing the Ministries of Housing and Construction, Environment, Human Rights and Women's Affairs. Three ministerial posts — the Interior, Defence and National Security Affairs — remained to be filled. In the interim, the Prime Minister decided that he would hold the post of Minister of the Interior, while Deputy Prime Minister Al-Zubaie would act as Minister for Defence and Deputy Prime Minister Barham Saleh as Minister for National Security Affairs.

9. In my statement to mark the occasion, I welcomed the election of the first constitutionally elected Government of Iraq, wished it every success and expressed

the hope that the process of a broad-based and inclusive Government would be completed as soon as possible so that it would be able quickly to address the crucial issues of national reconciliation, improvement of the security situation, the rule of law, respect for human rights and reconstruction and development. In addition, I reiterated that the United Nations remained fully committed to supporting the new Government and the people of Iraq in accordance with its mandate.

10. Following the first meeting of the new Cabinet on 21 May 2006, Prime Minister Al-Maliki vowed to address the security situation as a matter of priority and also stressed the need for national reconciliation and other measures to restore peace and stability.

11. In other developments, on 27 May 2006, the Iraqi Minorities Council held a conference of all minorities with the support of UNAMI. The conference was designed to create a forum to address the concerns of the diverse Iraqi minority communities. Specifically, the aim was to ensure proportionate access to government decision-making, a review of the Constitution, the drafting of an electoral law for upcoming governorate elections, and necessary legislation and institutions for the protection of different ethnic minorities and religious denominations.

B. Regional and international developments

12. On 29 March 2006, the Council of the League of Arab States held a summit meeting in Khartoum. Iraq was one of the main items on the agenda. The observer delegation of the United Nations was led by my Under-Secretary-General for Political Affairs, Ibrahim Gambari. My Special Representative for Iraq also attended as a member of the delegation. In my message to the summit, I emphasized that Iraq's integration into the wider region must be made a priority. I also stressed that the planned League of Arab States conference on Iraqi national accord offered an opportunity to forge a broader national consensus.

13. In its resolution 340, adopted at its summit, the Council of the League of Arab States called for an urgent meeting of the Ministerial Committee to follow up on developments regarding the situation in Iraq. At the meeting of the Committee on 12 April 2006, members expressed support for continued consultations among all neighbouring States and continued contacts among all concerned international and regional parties, in particular the United Nations and the Organization of the Islamic Conference, to promote stability in Iraq. It also welcomed the measures taken to open a mission of the League of Arab States in Baghdad at the end of April 2006 (see S/2006/247, annex, para. 7).

14. During the period under review, the League of Arab States continued preparations for the planned conference on Iraqi national accord and is now planning to convene it in Baghdad on 21 June 2006. The conference follows a preparatory meeting held in Cairo in November 2005. At the request of the League of Arab States, UNAMI sent a team to Cairo from 15 to 17 April 2006 to discuss the modalities of the conference, preparatory steps, and the nature of UNAMI assistance. My Special Representative has remained in close contact with the Secretary-General of the League of Arab States, Amr Musa, and the League of Arab States Special Envoy for Iraq, Mustapha Ismail, in support of this initiative.

III. Update on the activities of the Mission

A. Political activities of the Special Representative of the Secretary-General

15. During the period under review, my Special Representative remained in close contact with all key Iraqi political leaders to facilitate negotiations on Government formation and to promote inter- and intra-communal dialogue.

16. In the context of his regular visits to all UNAMI locations, my Special Representative visited Amman from 8 to 10 March 2006 to discuss relevant United Nations activities with the UNAMI Office and the United Nations country team. He met with the Foreign Minister of Jordan, Abdelelah al-Khatib, and His Royal Highness Prince Hasan bin Talal to discuss ongoing initiatives to bring together Iraq's religious, political and tribal leaders to promote national unity and lessen the violence in Iraq, particularly in Baghdad.

17. During his trip to Washington, D.C., from 17 to 20 March 2006, my Special Representative held wide-ranging discussions on Iraq with the United States Secretary of State, Condoleezza Rice, the Secretary of Defence, Donald Rumsfeld, the Assistant to the President for National Security Affairs, Stephen Hadley, the Acting Administrator of the United States Agency for International Development, Frederick Schieck, and the Assistant Secretary of State for International Organization Affairs, Kristen Silverberg, as well as with the President of the World Bank, Paul Wolfowitz.

18. On 18 and 19 April 2006, my Special Representative visited Najaf for the fourth time to meet with Grand Ayatollah Ali al-Sistani. At the meeting, the Special Representative emphasized the need for the quick formation of a Government of national unity to improve the political, security and economic situation in the country. He also stressed the responsibility of all political, religious and community leaders to work together to create an environment in which sectarian tensions could be reduced and a genuine political settlement be reached. The Special Representative welcomed Grand Ayatollah Al-Sistani's advice and support on these important issues. On this visit to Najaf, he also held a meeting with Sayyid Moqtada al-Sadr, during which they discussed the latest political and security developments in the country and the challenges of national reconciliation and reconstruction. He also met with senior clerics from the Hawza institution, and the Governor of Najaf, with whom he discussed a range of reconstruction activities. The constructive stance taken by my Special Representative's interlocutors during these discussions helped to give renewed momentum to negotiations on government formation.

19. During his visit to Headquarters from 8 to 10 May 2006, the Special Representative participated in the meeting convened by the Secretary-General on 9 May 2006 with the Foreign Ministers of Egypt, Ahmed Aboul Gheit, Jordan, Abdelelah al-Khatib, and Saudi Arabia, Prince Saud al-Faisal, as well as with the Representatives of the Secretary-General in the Middle East, Alvaro de Soto, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, and Terje Roed-Larsen, Special Envoy for the implementation of Security Council resolution 1559 (2004). At that meeting, my Special Representative for Iraq

briefed the Foreign Ministers on the current situation in Iraq, particularly with regard to the government formation process.

20. In Baghdad, my Special Representative hosted a number of meetings bringing together a broad spectrum of religious, tribal, political, civil society and community leaders to explore options for developing an Iraqi-led Baghdad peace initiative, in response to the interest shown by many Iraqi leaders at the local and national level. The main purpose of the initiative would be to promote inter-communal dialogue and confidence-building measures with a view to curbing sectarian violence in the city of Baghdad. The Special Representative and UNAMI are currently engaged with Iraqi and other actors to further explore the potential of this Iraqi-led initiative.

21. During the period under review, my Special Representative met the Governor of Baghdad and the Baghdad Provincial Council. He also met with senior commanders of the Multinational Force as well as the Ambassadors of the United States of America, the United Kingdom of Great Britain and Northern Ireland, France, China and Italy and visiting senior officials and parliamentarians.

B. Constitutional support activities

22. During the period under review, the UNAMI Office of Constitutional Support continued its engagement with a broad spectrum of political leaders, academic institutions and non-governmental organizations to assess opinions about the constitutional review process envisaged by the new Constitution adopted in a referendum on 15 October 2005, as well as the support role of the United Nations. As part of its mandated assistance activities, UNAMI prepared a number of discussion papers on substantive and procedural issues relevant to the constitutional review envisaged by the Constitution, as well as for the implementation of the Constitution.

23. In addition, the Office has continued its seminar programme, which was launched in February 2006, to promote multiparty dialogue. The programme engages senior political leaders, technocrats and members of civil society, including non-governmental organizations and academics, in focused discussions on critical constitutional issues. The programme included a study tour to South Africa from 6 to 11 March 2006 for nine leading Iraqi politicians to draw on lessons learned from both the successes and failures of South Africa's political transition in the early 1990s. The programme covered the themes of managing political transition during conflict, multiparty engagement, minority inclusion and transitional justice. Subsequent multiparty dialogue was held on the issues of gas and oil (4-6 April, Dead Sea, Jordan) and judiciary and the rule of law (10-14 April, Siracusa, Italy). The Office is currently working on the substantive organization of dialogue on fiscal federalism (16-18 May, Dead Sea, Jordan), human rights (Vienna, 6-8 June), federalism and decentralization (Madrid, 20-22 June), and civil-military relations (Istanbul, Turkey, 18-20 July).

24. With a view to determining the specific constitutional support role of UNAMI in the coming months, the Office is in close contact with the Speaker of the Council of Representatives. Concrete support activities by the Office might include facilitating the preparation and channelling of reports, providing recommendations and initiatives arising from the Office's programme of multiparty dialogue, making available technical expertise, both through the distribution of relevant comparative

and analytical material and the provision of expert advice as required; possible Secretariat support for the Committee; and providing options for incorporating public inputs into the review process. With the government formation process completed, UNAMI intends to engage the new Government on this issue.

C. Electoral assistance activities

25. When the certification of the election held in December 2005 for the Council of Representatives was completed on 10 February 2006, the International Electoral Assistance Team, led by the United Nations in close coordination with the Independent Electoral Commission of Iraq, began a lessons-learned process on elections conducted during the transitional period.

26. The Team organized a series of internal post-certification lessons-learned workshops to identify problem areas and propose solutions for future electoral activities in Iraq. The workshops, which were held from February to April 2006, culminated in a larger lessons-learned conference that the United Nations organized in Larnaca, Cyprus, from 2 to 4 May 2006. The Larnaca conference was successful in reviewing major themes of recent elections and identifying areas that may require further assistance from the United Nations and the international community. The conclusions from those events will contribute to the foundation for future electoral events in Iraq.

27. The United Nations stands ready to provide continued technical assistance at the request of the Government of Iraq, inter alia for the establishment of the permanent electoral authority, the Independent High Electoral Commission of Iraq, and for the organization and conduct of future electoral events.

D. Reconstruction, development and humanitarian assistance

28. The Mission and United Nations agencies, programmes and funds continued to support the new Government of Iraq by working to strengthen ministerial capacities, to provide and coordinate access to basic services and to restore public infrastructure. During the period under review, Staffan de Mistura completed his assignment as Deputy Special Representative for Reconstruction, Development and Humanitarian Affairs in Iraq for a new appointment. On 15 May, he handed over his functions to his successor, Jean-Marie Fakhouri.

29. Despite the prevailing security conditions, the United Nations undertook an increasing number of missions to assess the impact of ongoing activities during the reporting period. Most of the quick-impact projects focusing on the provision of basic services in the areas of health, education, water and sanitation were successfully concluded during the reporting period. The initiation of these projects, with a total budget of $40 million, resulted from a decision in July 2005 by the Donor Committee of the International Reconstruction Fund Facility for Iraq.

30. In the reporting period, UNAMI continued to maintain its leading role in donor coordination in Iraq. In addition to supporting mechanisms adopted by the Government of Iraq, such as the Iraq Strategic Review Board and Sector Working Groups, UNAMI has also led the donor community in the preparation of key recommendations on reconstruction and development, which my Special

Representative conveyed to the new Prime Minister. The Mission will continue to work closely with the new Government on this issue.

31. Through the good offices of my Special Representative, UNAMI continued to emphasize the need for Iraqi leadership in support of humanitarian and development initiatives as an essential means of promoting political stability. UNAMI promoted the use of resources by Iraqi authorities for rebuilding damaged cultural and religious sites without prejudice and in proportion to restoration needs. As noted in my last report, the European Union contributed $8 million to the restoration of the Al-Askariya shrine in Samarra and other religious and cultural sites damaged by bombs and sectarian violence. This work is ongoing and UNAMI maintains overall coordination of United Nations efforts to support the Government of Iraq while the United Nations Educational, Scientific and Cultural Organization provides substantive technical advice and expertise on construction and the United Nations Development Programme (UNDP) provides the Iraqi workforce for the reconstruction through the Iraq Reconstruction Employment Programme.

32. Sectarian violence and ongoing military activities continue to affect the lives of Iraqi civilians in some areas. Large numbers of Iraqis were displaced, either voluntarily or because of aggression or threats by various elements. According to United Nations and Government sources, the number of displaced persons since the Samarra attack on 22 February 2006 ranges from 70,000 to 90,000 persons. United Nations agencies and their partners continue to provide food, shelter and non-food items to as many displaced persons as resources permit. In all instances, the United Nations continues to work actively to ensure that all displaced persons receive assistance equitably.

33. In mid-April, the overall security situation also prompted a group of 287 Palestinian refugees, formerly residents of Baghdad, to flee towards the Jordanian border. Upon refusal by the Jordanian authorities to admit them, the Government of the Syrian Arab Republic allowed 220 individuals to enter that country on 9 May 2006. A new group of 46 Palestinian refugees arrived at the Syrian border directly from Baghdad, but were not admitted with the first group. The Office of the United Nations High Commissioner for Refugees, in close collaboration with UNAMI, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the International Organization for Migration, took the lead in dealing with this situation. I am encouraged by the commitment of the Government to continue granting protection to Palestinians in Iraq, as well as the issuance of a recent fatwa by Grand Ayatollah Ali al-Sistani calling for respect for Palestinians and their rights.

34. In response to the recent displacements, UNAMI mobilized United Nations agencies and donors through the Emergency Working Group to devise a rapid response initiative using funds drawn from the accrued interest of the United Nations Development Group Iraq Trust Fund. The initiative will address the immediate needs of internally displaced persons, while a longer-term strategy is being developed with Iraqi authorities. UNAMI continued to work with the Office of the Prime Minister on the establishment of the Emergency Coordination and Response Cell. The Cell will be located within the Cabinet secretariat under the direct authority of the Prime Minister and will be charged, inter alia, with developing a national contingency plan. Since March 2006, the UNAMI

Humanitarian Adviser (funded by the Office for the Coordination of Humanitarian Affairs) provided support to the Prime Minister's Office for this important initiative.

35. The United Nations country team continues to work with the Government of Iraq in line with the goals of the Iraqi National Development Strategy. Through the secondment of a UNAMI international staff member to the Ministry of Planning and Development Cooperation, support continues to be extended to the Ministry in various key areas including strengthening dialogue between central and provincial authorities on reconstruction and development challenges. UNAMI, with financial support from UNDP, assisted delegations from various governorates, both governmental and from civil society, to attend a series of two-day workshops in Baghdad, led by the Ministry of Planning, on the National Development Strategy, donor coordination issues, national budget and provincial priorities. The outcome assisted the Ministry to begin revising the Strategy, which the Government plans to release at the next meeting of the International Reconstruction Fund Facility for Iraq, which is to be held during the next reporting period.

E. International Reconstruction Fund Facility for Iraq

36. As at 30 April 2006, the total contributions to the United Nations Development Group Iraq Trust Fund, one of the two windows of the International Reconstruction Fund Facility for Iraq, equalled $913 million. A total of 88 projects valued at $769.5 million were approved at the end of April 2006 for funding under the Iraq Trust Fund. At the same time, contracts worth $602 million (78 per cent of approved funding) had been initiated and $455 million (59 per cent of approved funding) had been disbursed. Fourteen projects with a total cost of $123 million have been operationally completed. These figures represent further progress in providing notable contributions to the reconstruction and development goals of Iraq, particularly considering the security and institutional circumstances under which activities are being carried out.

37. On 12 May 2006, the third consolidated six-month progress report, covering the period from 1 July to 31 December 2005 (with an informal update to the end of March 2006) was submitted by the United Nations Development Group Iraq Trust Fund to Iraqi authorities and donors. Part one highlights progress of the Trust Fund as a whole, while part two provides a review of cluster-level programme implementation. During the third six-month reporting period alone, a total of $217.72 million was expended, representing the highest expenditure of the three six-month reporting periods and an increased rate of project implementation. Most importantly, the Trust Fund is making notable contributions to governance and basic services in Iraq. The record also reflects the adapted programme implementation mechanisms that have continued to demonstrate their effectiveness in mitigating the considerable hurdles to implementation on the ground, such as insecurity and a lack of clear and timely decision-making by Iraqi authorities.

38. The Trust Fund continues to make strides in transparency and accountability in its operations, particularly through the active use of the website of the International Reconstruction Fund Facility for Iraq (http://www.irffi.org). Monthly newsletters, procurement opportunities and detailed information on the awarding of contracts by all agencies, to name only some items, are posted on the site regularly and updated. On the website, donors, the public and United Nations organizations can learn the

levels of commitments and disbursements that each cluster and agency has achieved in project implementation, and also find details concerning the contractors who are delivering many of the activities.

39. Following the formation of the new Government of Iraq, a meeting of the Donor Committee of the International Reconstruction Fund Facility for Iraq will be organized to provide the occasion for the Government to present its development priorities and for donors to replenish the resources of the Reconstruction Fund.

F. Human rights activities

40. Political uncertainty, insecurity, high levels of violence and military operations continue to undermine the human rights situation in Iraq, notwithstanding the efforts made by the Government of Iraq to address this situation. The right to life continues to be severely undermined by the ongoing insurgency, sectarian violence, revenge attacks and militia activities, as well as by the use of force, at times excessive, by the military and security forces. Indiscriminate violence by insurgents is a particular concern in this regard. In Baghdad and central areas of the country, where insurgent attacks and military operations by the Multinational Force and Iraqi security forces have continued, civilian life remains seriously affected. The insurgency has reportedly targeted civilian neighbourhoods with indiscriminate mortar fire, which resulted in civilian casualties. In Al-Anbar, where daily clashes are reported between insurgents and Iraqi security forces and the Multinational Force, civilian casualties, damage to civilian property and extreme hardship to civilians are commonplace.

41. While official figures regarding the number of casualties are not available, scores of civilians are reported killed or wounded weekly, including women and children, as targeted or unintended victims of violent attacks. Politicians, members of the public administration, including police, army and judges and professionals and those perceived to be associated with the Multinational Force have been assassinated. Particularly disturbing is the recent surge in assassinations of the family members of several prominent politicians. Numerous bodies bearing signs of torture and extrajudicial execution have continued to appear daily in and around Baghdad and in other parts of the country. According to Iraqi non-governmental organizations, since January 2006 approximately 20,000 persons, including foreigners, have been kidnapped in the country, some for ransom or political motives, and others for reasons unknown.

42. During the reporting period, numerous insurgent attacks have killed and maimed civilians and destroyed or damaged cultural and religious sites, particularly mosques and churches of different denominations, with the clear intent of fomenting fear and sectarian animosity. The largest attack occurred on 7 April, in which the Buratha mosque north of Baghdad was targeted, killing at least 85 people and injuring 160 others.

43. I remain concerned that the perpetrators of some of the most heinous crimes in Iraq often go unpunished. Particularly worrisome are the rising level of murders, threats and acts of intimidation being committed against judges, prosecutors and court officials, hampering the normal functioning of the courts. Furthermore, it is often reported that the police disregard judicial orders regarding the detention and release of individuals. Militias and other insurgent groups also openly claim to be

running illegal courts. Judicial investigations should ensure that militia members accused of committing human rights violations are brought to justice and prosecuted and expelled from the security forces. It will be necessary to reinforce the justice system and to establish effective internal oversight mechanisms of key institutions, such as those in the Ministries of the Interior, Defence and Justice.

44. Violence affected women, children and the elderly by hampering access to basic services. Women faced harassment and intimidation to make them conform to traditional dress. "Honour crimes", including killing and domestic violence, were reported although UNAMI has been unable to obtain precise figures for the whole country. The Government recently reported that, since the beginning of 2006, more than 500 women may have been the victims of "honour killings" in the Kurdish region alone.

45. Attacks on academics, professionals and journalists are also a worrisome development. At least 100 professors have reportedly been killed since 2003 and over 200 have been detained. Other professionals, including doctors and health workers, have also been targeted and many continue to leave the country. More than 70 journalists have been killed on duty in Iraq since March 2003, and many others have been maimed, detained or threatened while carrying out their work. Media workers in the Kurdish region continue to face intimidation and court prosecution for pursuing freedom of expression. In one positive development, Kamal Sayid Qadir, a Kurdish writer with Austrian citizenship who had been detained since 26 October 2005 and sentenced late in March to 18 months in prison for posting "defamatory" articles about the authorities in Kurdistan, was pardoned on 3 April.

46. The intimidation and killing of ethnic and religious minorities is of particular concern. UNAMI received reports that approximately 2,400 Christian families migrated from the city of Mosul to other areas in Ninewa governorate with a Christian majority.

47. The number of detainees in the country continues to rise and remains a source of discontent for many Iraqis. In mid-May, the Ministry of Human Rights reported that there were 28,700 detainees countrywide, revealing a slight decrease in the overall number of individuals in custody. UNAMI will continue to work with the Iraqi authorities and the Multinational Force to find constructive solutions to this issue. In particular, UNAMI will continue to work with all involved to ensure that the release of detainees, or the transfer of detainees from the Multinational Force to Iraqi jurisdiction, is carried out promptly and in accordance with international human rights standards. In this regard, every effort should be made to ensure that detainees enjoy the right of due process. The investigation of the illegal detention centre of Al-Jadiriya, as well as other investigations carried out by the Government regarding conditions of detention in the country, is yet to be made public.

48. The Mission continues to follow the trial of former president Saddam Hussein, which resumed during the reporting period. The trial in the Iraqi Higher Tribunal entered a new phase with the commencement of testimonies by the defendants. The Higher Tribunal also announced the conclusion of the investigation of the Anfal campaign. The case has thus been referred to the court, which will set a date for the beginning of the trial.

49. The Mission continues to work with Iraqi ministries, judicial institutions and civil society organizations to support the establishment of a strong national human

rights protection system. The Human Rights Office continues its work related to the development of the rule of law by supporting the Rule of Law Sector Working Group, a meeting of representatives of relevant Ministries, donors and the United Nations under the chairmanship of the President of the Higher Judicial Council, and by addressing rule of law issues with local authorities in the Basra Governorate. In close cooperation with Iraqi authorities and donor partners, the Office is developing a comprehensive strategy on the rule of law to address current challenges faced by the judiciary. The Office of the United Nations High Commissioner for Human Rights and UNAMI are also working closely with Iraqi authorities and civil society organizations to support the establishment of an independent national human rights Commission in Iraq as foreseen in the Constitution.

IV. Security and operational issues

A. Assessment of the security situation

50. Iraq remains a highly dangerous environment and United Nations staff members are at considerable risk of becoming targets of violence. The political transition and attempts at maintaining security and control by the Multinational Force and Iraqi security forces have coincided with the development of an increasingly sophisticated and complex armed opposition capable of carrying out a consistently high level of violent activity across the country. The governorates of Baghdad, Ninewa, Salahuddin, Anbar and, more recently, Diyala, have been experiencing the worst of the violence. Although the remaining Iraqi governorates are generally less affected, some, notably Basra (in particular the city of Basra) and Ta'mim (mostly the city of Kirkuk), witnessed high levels of tension and growing numbers of violent incidents.

51. The lethal character of the attacks is marked by the large numbers of casualties, especially among civilians. Much of the violence in recent months stemmed from acts perpetrated by both sides of the Sunni-Shiite sectarian divide. Despite some recent claims of decline in sectarian violence, March 2006 was the fourth most deadly month since May 2003, with twice as many Iraqis killed as in December 2005. Overall, targeting and technological trends are disturbing. Groups that are specifically targeted include prominent Sunni and Shiite Iraqis, Government workers and their families, members of the middle class (such as merchants and academics) and people working for or associated with the Multinational Force.

52. The continuing attacks throughout the country, coupled with the destruction of critical infrastructure, have resulted in severe disruptions in the delivery of essential services, including fuel, water and electricity. The diplomatic community remains under serious threat as embassy staff have been abducted and killed and facilities attacked.

53. The situation in Basra remains tense and the Multinational Force has restricted the freedom of movement in the area. Demonstrators have demanded the handover of security responsibilities to local authorities. The situation continues to impede the ability of United Nations staff to move across the region. All Multinational Force bases including Basra Palace where United Nations staff live, experience frequent mortar and rocket attacks. In addition, the recent death of three Italians and one

Romanian as a result of roadside bombs in Dhi-Qar governorate has re-emphasized the dangers and volatility now experienced in the region.

54. Security in the international zone in Baghdad, which is in the midst of a transition from Multinational Force control to Iraqi security force primacy, is under constant review by UNAMI and the Department for Safety and Security. At this time, the integrity of the zone's perimeter and internal checkpoints are being maintained, but the topic is a regular point of discussion with the Multinational Force to ensure that the current level of security is sustained.

55. The situation in Erbil remains relatively calm and during the reporting period, planning was undertaken to allow for a modest expansion of the United Nations presence into an Area Office, with an inner ring guard force to be provided by Fiji and middle ring protection to be provided by the Republic of Korea.

B. Facilities, logistics and support

56. The Mission has commenced the planned transition from facilities managed by the Multinational Force to facilities it manages itself. The staff in Erbil have moved from a compound of the Multinational Force to the new UNAMI Area Office. The new Area Office facilities in Basra are now ready for occupation by staff currently located in the United States and United Kingdom compound. In Baghdad, a new interim accommodation site has been identified for the exclusive use of UNAMI staff and will be occupied in the coming months. A permanent site for an integrated Mission headquarters for the United Nations in Iraq has been allocated by the Government of Iraq and plans for its development are under way. A UNAMI support detachment has also been established at Baghdad International Airport.

57. The acquisition of air assets for the United Nations presence in Iraq has been a major challenge. I therefore requested support from several Member States with the necessary capacity. On 30 May 2006, Denmark decided to offer UNAMI a dedicated aircraft, and working-level discussions on the implementation arrangements are currently under way. Japan is also actively considering air support to UNAMI.

C. Agreements

58. I am pleased that the Government of Kuwait has notified the United Nations that it has fulfilled all legal requirements for the entry into force of the agreement between the United Nations and the State of Kuwait concerning the activities of UNAMI in Kuwait. The agreement accordingly entered into force on 18 April 2006. I take this opportunity to thank the Governments of Kuwait and Jordan for their continued cooperation with the United Nations in support of its mandate in Iraq.

59. The status-of-mission agreement between the United Nations and the Government of Iraq was signed on 3 June 2005. However, its entry into force remains pending in the absence of the exchange of notes of approval between the parties. While the United Nations sent a note to that effect to the Government of Iraq on 6 June 2005, the confirmation of the Government of Iraq remains pending. I call upon the new Government of Iraq to take early action on the approval of the agreement by way of a corresponding note. This confirmation will give UNAMI the required legal status to fulfil its mandated tasks.

60. The Mission is pursuing the negotiation of a series of supplemental arrangements with the Multinational Force to implement the agreement concerning the establishment of security for UNAMI, concluded between the United Nations and the Government of the United States on 8 December 2005. I look forward to the early finalization of these arrangements, which will form a core aspect of continued security support for the presence of the United Nations in Iraq.

V. Observations

61. The formation of the first constitutionally elected Government of Iraq, on 20 May 2006, represents the culmination of Iraq's political transition process set forth in the Transitional Administrative Law, endorsed by the Security Council in resolution 1546 (2004). It is encouraging that Iraq's political leaders, building on the broadly participatory elections held in December 2005, have demonstrated that they can rise to the challenge and engage in a spirit of compromise to form an inclusive and democratic Government, despite the difficult overall circumstances. However, the protracted nature of the negotiations and the serious deterioration of the security situation following the Samarra bombing in February 2006 indicate that the people of Iraq have arrived at an important turning point. If the new Government is able to develop and implement a concrete national agenda to quickly address the basic needs and concerns of all of Iraq's different communities, Iraq can be put on a path towards peace and prosperity. On the other hand, unless a strong positive dynamic towards national reconciliation is generated soon, there will be a grave danger of increased polarization, sectarian strife and, potentially, civil war. The need for sustained inter-communal dialogue and confidence-building measures therefore remains as urgent as ever.

62. I hope that Iraq's political leaders will now resolve to do everything possible to consolidate the political process, building on the momentum generated by the formation of the new Government, by healing political and social divisions, deepening the national consensus towards national reconciliation, strengthening democratic institutions and quickly improving the living conditions and human rights for all Iraqis. This approach offers the best prospects for ensuring that the political process has a positive impact on the security situation. The new Government must be empowered so as to enable it to demonstrate to the Iraqi people that their participation in the elections will lead to tangible improvements in their daily lives. A number of key steps at the national, regional and international level, set out below, can be envisaged to foster a strong positive dynamic in this direction.

63. National reconciliation has become even more of an imperative since my last report. The Iraqi people have demonstrated time and again that, despite severe provocations and attacks, they can meet the challenge of national reconciliation and find creative ways to reach out to one another. One concrete example of a measure to prevent sectarian strife is the idea of an Iraqi-led peace initiative for the city of Baghdad, aimed at promoting confidence-building both within and between communities.

64. In addition, the constitutional review and the implementation of the Constitution remain essential for reaching a national consensus on establishing an effective framework for the Iraqi State. Careful consideration will be needed to determine where constitutional revisions are necessary for the configuration of

effective State structures, and where the requisite changes can be effected through legislation. The United Nations, in close cooperation with the European Union and other international partners, remains fully committed to continue its constitutional support role and looks forward to a dialogue with the new Government of Iraq on how the United Nations can best fulfil its mandate in this important area. At the request of the Government of Iraq, the United Nations also stands ready to provide continued electoral assistance, inter alia through support for future electoral events and for the establishment of the permanent electoral authority, the Independent High Electoral Commission of Iraq.

65. At the regional level, Iraq's neighbours and other countries have an important role to play in supporting national reconciliation inside Iraq, while fully respecting the country's sovereignty, political independence and territorial integrity. The United Nations therefore continues to support the planned League of Arab States conference on Iraqi national accord in Baghdad. My Special Representative continues to work closely with the League of Arab States on this initiative. Thorough preparations, close coordination with the new Government of Iraq and an authentic representation of all Iraqi communities will be key elements for its success. The United Nations is also exploring the idea of establishing a regional contact group on Iraq at the working level, composed of Iraq and its neighbours. The contact group could be a useful forum for dialogue on how the States neighbouring Iraq can contribute to mobilizing greater international support for Iraq, as well as a forum for dialogue between countries of the region to promote stability inside Iraq.

66. At the international level, the establishment of a constitutionally elected Government of Iraq should be seen as an opportunity for the international community to build a deeper consensus in support of Iraqi transition, including in the Security Council. The international community now has an opportunity to accelerate the recovery of Iraq through fulfilling existing pledges of assistance by means of internationally agreed funding facilities, such as the International Reconstruction Fund Facility for Iraq, the development of complementary additional mechanisms for new contributions, and increasing the levels of debt forgiveness. An early agreement on an Iraqi-led framework for mobilizing new and additional international assistance for Iraq should be considered a matter of priority.

67. In my last report, I emphasized that without an improvement in the human rights situation the quest for national reconciliation would prove arduous. During the period under review, the human rights of the Iraqi people have continued to be severely challenged by the ongoing insurgency, sectarian violence, revenge attacks and militia activities, as well as by the use of military force, which has at times been excessive. Notwithstanding the efforts made by the Iraqi security forces and the Multinational Force to address the security challenges in Iraq, I reiterate my call to them to act in full accordance with international humanitarian and human rights law. The displacement of thousands of families, mainly in Baghdad, is also of serious concern. While these challenges are enormous, I hope that the new Government of Iraq will demonstrate responsible leadership by placing the promotion of human rights, good governance and the rule of law at the core of its agenda. The United Nations stands ready to provide continued support. The more the new Government is seen to deliver tangible benefits in this area, the more confidence it will give to the communities of Iraq, as well as their political leaders, to overcome divisions and engage in a genuine dialogue on a truly national agenda.

68. With a view to developing a robust human rights agenda, I hope that the new Government of Iraq will consider the following steps as a matter of priority: the establishment of an independent national human rights commission and a centre for the missing and disappeared persons; support for the development of a comprehensive strategy for transitional justice; encouragement of legislative reform; the strengthening and modernization of the judiciary and the administration of justice; the reinforcement of civil society organizations; and the bolstering of the creation of a culture of human rights and rule of law. These reforms will be essential for the success of larger sustainable efforts in the areas of peace and security, as well as reconstruction and economic and social development.

69. The new Government of Iraq will also have to fulfil the high expectations of the Iraqi people to improve security and the law and order situation arising from the increasing level of violent crime. Efforts by the Multinational Force to train and equip the Iraqi security forces are indispensable in this regard. However, the Iraqi people must be able to see a real improvement in the security situation. To this end, the new Government will need to provide an effective programme for managing the country's security challenges. While implementing such a programme will take time, many Iraqis are looking to the new Government to combine the defence of its citizens and State institutions with security sector reform, disarmament, demobilization and reintegration of militias, sustained outreach to all of Iraq's communities and rapid improvement in basic living conditions. It is now incumbent on the new Government to assume its sovereign responsibilities to take full ownership of its national affairs, including in the vital area of security, assisted as necessary by the international community.

70. The United Nations remains fully committed to implementing, circumstances permitting, its mandate under Security Council resolutions 1546 (2004) and 1637 (2005). With a view to promoting dialogue and consensus-building towards national reconciliation, my Special Representative and his team stand ready to lend their good offices and provide political facilitation to the new Government, based on the contacts UNAMI has established with a wide spectrum of Iraqi interlocutors. In addition to core ongoing political, electoral and constitutional activities, the United Nations also intends to strengthen its activities in other key areas of its mandate, particularly reconstruction and development with a focus on capacity-building and donor coordination. The United Nations looks forward to a comprehensive and sustained dialogue with the new Government to explore how the United Nations can best fulfil its mandate.

71. It must be recognized, however, that the Organization's presence and ability to operate effectively in Iraq remain severely constrained by the security environment. In order to provide United Nations staff with the best security possible and thereby ensure that the Organization is able to maintain a presence in Iraq, a number of mitigating and protective measures are in place that are expensive, time-consuming and restrictive. The United Nations continues to rely on the Multinational Force for static and movement protection. The development of an integrated long-term United Nations complex in Iraq has continued and new premises in Erbil and Basra have now been completed. I would like to take this opportunity to thank Member States, from both within and outside the Multinational Force, who support the United Nations in Iraq in a variety of roles, from those who provide military advisers, guard forces and movement control specialists, to those who provide aviation and ground movement support.

72. The formation of the first constitutionally elected Government of Iraq will hopefully open a new and more positive chapter in the troubled history of Iraq. The people of Iraq, who have suffered for so long, deserve the benefits of peace and prosperity that every nation is entitled to. Iraq has all the necessary human and natural resources to succeed. The United Nations will work closely with the new Government of Iraq and the international community to help the Iraqi people achieve this objective.

73. Finally, I wish to thank my Special Representative, Ashraf Qazi, for his leadership and the national and international staff of UNAMI, as well as agency personnel, for their dedicated fulfilment of their duties in implementing the UNAMI mandate under extremely difficult conditions.

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999) of 10 June 1999, by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments in Kosovo (Serbia and Montenegro), from 1 January to 30 April 2006.

II. Political assessment

2. The process designed to determine the future status of Kosovo has moved forward during the reporting period. To date, my Special Envoy for the future status process for Kosovo, Martti Ahtisaari, has focused on bringing representatives of Belgrade and Pristina together in direct talks to discuss practical issues. Four rounds of direct talks between the parties on the decentralization of Kosovo's governmental and administrative functions were held in Vienna on 20 and 21 February, 17 March, 3 April and 4 and 5 May. Talks between the sides on cultural heritage and religious sites were held on 23 May and a meeting on economic issues on 31 May. The direct talks held thus far have shown that there is some convergence on some specific points, but that in many areas the proposals of the parties remain far apart. In parallel, my Special Envoy has held continuing consultations on developments in the future status process with a range of interested Member States and regional organizations. My Special Representative, Søren Jessen-Petersen, and UNMIK continued to support my Special Envoy in his work, and they have worked closely together to ensure greater commitment and results from standards implementation through the future status process.

Political situation

3. During the reporting period, major changes occurred in the leadership of the Provisional Institutions of Self-Government of Kosovo. The changes proceeded in a democratic manner and according to the applicable law. The President of Kosovo, Ibrahim Rugova, died on 21 January. His funeral on 26 January was a major public event that took place without incident. The substantial police deployment for the

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funeral involved officers from minority communities and was largely planned and implemented by the Kosovo Police Service (KPS). On 10 February, a new president, Fatmir Sejdiu, was elected by the Assembly of Kosovo, by 80 votes in favour out of 120. After the governing coalition parties, the Democratic League of Kosovo (LDK) and the Alliance for the Future of Kosovo (AAK), reached an agreement regarding changes in the leadership of the Provisional Institutions, the Prime Minister, Bajram Kosumi, announced his resignation on 3 March. The head of the Kosovo Protection Corps, Agim Çeku, was elected as his successor by the Assembly of Kosovo on 10 March by 65 votes to 33, with 5 abstentions. On the same day, the Assembly also replaced the President of the Assembly, Nexhat Daci, with Kole Berisha, who was the Vice-President of LDK. The new leadership reaffirmed its aspiration for the independence of Kosovo as its preferred outcome of the political process to determine the future status of Kosovo. At the same time, it expressed its determination to accelerate the implementation of standards and to create a more constructive relationship with Kosovo Serbs; the Prime Minister, Agim Çeku, for example, delivered part of his acceptance speech in the Serbian language.

4. During March and April, the new leadership began to translate its intentions into action. An extensive and vigorous outreach campaign, led by President Sejdiu and Prime Minister Çeku, has started. They have visited municipalities and minority communities all over Kosovo. They have also called on Kosovo Serbs and other minority communities to consider Kosovo their home and to work together with the Provisional Institutions to address their concerns. The President of the Assembly, Kole Berisha, has begun to create a culture of debate in the Assembly, which at recent meetings had seen all-day discussions on standards implementation, the future status talks and privatization. Unfortunately, the same period has also seen no change in Belgrade's position against Serb participation in the Provisional Institutions, and insistence that the issue be treated in the context of the future status negotiations.

Standards

5. A detailed technical assessment of standards implementation for the period from 1 January to 30 April 2006, prepared by my Special Representative, is contained in annex I to this report. Under the former Prime Minister, Bajram Kosumi, the Government reacted positively to the critique of the pace of standards implementation reflected in my last report to the Security Council (S/2006/45, paras. 7 and 8) by launching action programmes in December 2005 and February 2006 which addressed many of the specific shortcomings. The new Prime Minister has accelerated the pace further. He has convened a Standards Steering Group, which currently meets every two weeks to assess progress on all eight standards. As a result, many processes within the standards programmes have been revitalized. If this momentum is sustained, the processes should start to bear results, and progress achieved thus far should become sustainable and permanent. An increasing obstacle to the fulfilment of the standards, particularly those affecting the life of minority communities in Kosovo, is the unwillingness of many Kosovo Serbs to fully cooperate with, and participate in, the Provisional Institutions.

6. The Assembly of Kosovo held a nine-hour debate on the fulfilment of standards on 20 April. Prime Minister Çeku acknowledged a direct link between the Provisional Institutions' ability to improve performance on the standards and the possible outcomes of the discussions on the definition of Kosovo's future status. At

the same time, the Prime Minister also vowed to continue with the implementation of the standards' goals as a high priority even beyond the determination of future status. In parallel with the implementation of standards, work has continued on preparing a workplan for the European Commission that would firmly embed the values and principles of the standards process in the European integration work and foster EU-compatible reforms (see S/2006/45, para. 9).

Political process

7. The political process to determine the future status of Kosovo, led by my Special Envoy, has remained the driving force behind all major political and policy developments in Kosovo during the reporting period. The Kosovo negotiating team, which now includes the new Kosovo leadership, President Sejdiu, Prime Minister Çeku and Assembly President Berisha, welcomed the statement on the political process to determine Kosovo's future status by the Contact Group countries following their meeting in London on 30 January. The leaders of political parties, both in the Government and in the opposition, have moved ahead with preparations for talks with their counterparts in Belgrade. The negotiating team has produced inter alia detailed proposals for decentralization and a plan for the future governance of Mitrovica. The team's Communities Council, led by an opposition party leader, has made several visits to Kosovo Serb areas and has consulted with most ethnic minority community leaders over the past months. There continued to be no direct participation of minority representatives in the work of the negotiating team, however (with the exception of the Bosniak-minority Minister of Health, who has taken part in the future status talks) and the team does not include women members. The Belgrade delegation to the future status talks has included some Kosovo Serb representatives.

Kosovo Serb participation in the political process and the Provisional Institutions

8. Despite the increased efforts to reach out to minority communities undertaken by President Sejdiu, Prime Minister Çeku and the Kosovo negotiating team, Kosovo Serb participation in the governance structures of Kosovo remained marginal, particularly at the central level. At the municipal level, Kosovo Serbs work in Provisional Institution structures generally on issues of concern to minorities only, such as returns, or in health and education, where they receive salaries from both the Provisional Institutions and Belgrade. The Minister of Communities and Returns (and leader of the Serbian Democratic Party of Kosovo and Metohija) remained the only central-level Kosovo Serb political representative. The largest Kosovo Serb party to participate in the last elections, the Serbian List for Kosovo and Metohija, still hesitates to take part in either the Government or the Assembly structures given the contrary stand of Belgrade. A new Kosovo Serb party, the Independent Liberal Party, which advocates participation in the political process, was registered on 18 April. It would appear that parts of the Kosovo Serb community are reassessing their approach to participation in the political process in the light of the future status talks and improved outreach by the leadership of the Provisional Institutions, although no concrete steps have been taken yet. Some Kosovo Serb politicians maintain informal contacts with representatives of the Provisional Institutions to present their concerns and ideas.

9. The efforts of the new Kosovo leadership to rebuild confidence with the Kosovo Serb community were dealt a severe blow by the recent directives issued by

the Coordination Centre for Kosovo and Metohija. In March, the Centre began to demand that Kosovo Serb municipal employees choose either to be on the payroll of parallel structures sponsored by Belgrade or to be on the payroll of the Provisional Institutions. Many Kosovo Serb teachers and health-care workers have paid pension contributions for many years, which would be lost if they remained with the Provisional Institutions. All Kosovo Serb education workers have now resigned from their posts in the Provisional Institutions, although they continue to perform their functions, receiving payments from Belgrade. Prime Minister Çeku has tried to counter pressure from the Coordination Centre by assuring Kosovo Serb employees that his Government would not require a choice and would hold their payments in a special account. Both my Special Representative and my Special Envoy have expressed profound concerns regarding the pressure from Belgrade on this issue. Evidence of unregulated financing of services to the Serb population in Kosovo came to light on 10 March, when UNMIK Customs seized almost €2 million worth of undeclared Serbian dinars, which were apparently destined for pensions, child benefits and student loans, from a vehicle that had entered the northern part of Kosovo from Serbia proper. UNMIK returned the money to the National Bank of Serbia on 15 March following recognition by the Bank of its failure to declare the funds.

10. Relations between the Serbian Orthodox Church and the Provisional Institutions have continued to develop. For example, in an historic rapprochement, President Sejdiu visited the Visoki Decani monastery for the Serbian Orthodox Easter celebrations on 23 April. In other areas of importance to the Church, on 25 April, my Special Representative signed an executive decision extending the validity of the special zoning area in Decani, which aims to encourage development of that area through economic activities that do not damage the natural and cultural attributes of the canyon, including the Visoki Decani monastery. The Reconstruction Implementation Commission, which is responsible for repairing church property damaged in the violence of March 2004, has begun the second phase in the reconstruction process. The first phase, completed in 2005, protected 30 sites and prevented their further deterioration. The second phase, to be carried out in 2006 and 2007, will consist of extensive reconstruction works to priority sites mainly in Pristina and Prizren. Tendering for this work is under way.

Dialogue

11. During the reporting period, the working groups established for the direct dialogue between Pristina and Belgrade on technical matters have not been active. Only two working groups have met in plenary session this year: the Transport and Communications Working Group in February and the Missing Persons Working Group in March, both in Pristina. No significant progress was achieved at either session. UNMIK and the chairpersons of the working groups have often noted the lack of support provided by the Provisional Institutions to the Pristina delegations in these talks. As a result, in mid-April Prime Minister Çeku appointed his principal political adviser to oversee the process. He also pledged empowerment of the delegations, and has made changes in the personnel of some working groups, notably the Missing Persons Group. At the same time, the focus has now clearly moved to the framework of the future status process. While it remains important to pursue the direct dialogue, in particular on humanitarian issues such as missing persons and returns, further progress is expected to remain limited.

Regional cooperation

12. Regional cooperation and integration have improved notably during the reporting period. In January, UNMIK committed itself to participating in the Stability Pact-led Investment Compact, with a view to harmonizing the investment policies of Kosovo with those of its neighbours. On 6 April, UNMIK, together with other participants, approved a joint declaration on the enlargement of the Central European Free Trade Agreement to include all South-East European members of the network of bilateral free trade agreements established under the auspices of the Stability Pact. On 7 April, UNMIK signed an investment protection agreement with Turkey.

Decentralization

13. The Kosovo Ministry of Local Government Administration, with the assistance of UNMIK and other international partners, made progress on decentralization despite the continued lack of participation by Kosovo Serbs. The joint Provisional Institutions/UNMIK working groups on legislation and local finance have produced a draft law on local self-government, as well as a concept paper on local finance, which will provide essential inputs for amendments to the already promulgated Laws on Public Financial Management and Accountability and Local Finance. The Provisional Institutions are thus ready to establish a domestic legislative framework on decentralization and are prepared to incorporate additional elements agreed to during the negotiations on decentralization in the framework of the future status process.

14. The two foreseen Kosovo Serb-majority pilot municipal units have not been established as had been planned (see S/2006/45, para. 10). The remaining three pilot municipal units, two in Kosovo Albanian areas and one in a Kosovo Turkish-majority area, have however moved forward with the establishment of provisional assemblies, municipal statutes and budgets and the recruitment of interim financial administrators and staff. The three pilot municipal units are, in cooperation with the relevant municipalities, ready to exercise their competencies. The pilot municipal units face significant challenges, however, as they are new, fragile entities that require additional financial and capacity-building support. Nevertheless, the progress made in the establishment of the pilot municipal units may provide valuable lessons for the establishment of new municipalities, should this be agreed to in the future status process. The Pristina-based decentralization process remains closely linked to the ongoing talks on this topic in the framework of the future status process and will be guided by the decisions reached by the parties therein.

Security

15. The security situation remained generally stable, although fragile, and was not affected by the changes in the political leadership of Kosovo or by the start of the future status process. The level of inter-ethnic incidents remained low and it seems likely that criminal rather than ethnic motives may be at the origin of some of the reported incidents. Such incidents still contribute to creating a perception of insecurity, however, mainly for members of minority communities. In close coordination with the Kosovo Force (KFOR), UNMIK police and the Kosovo Police Service will continue to take stringent measures to enhance the general security in Kosovo to support the political process leading to a determination of future status.

Police and justice

16. UNMIK has moved forward with the transfer of further competencies in the area of the rule of law to the Provisional Institutions while retaining overall authority in the areas of police and justice and without prejudice to Security Council resolution 1244 (1999). Senior officers of the newly established Kosovo Ministry of Justice, Ministry of Internal Affairs and Kosovo Judicial Council were appointed in January 2006. After considerable delay, the new Ministers were included in the Government elected by the Kosovo Assembly on 10 March. UNMIK is closely monitoring staff appointments to these Ministries to ensure that they are made on the basis of merit and in accordance with the law.

17. Simultaneously with the establishment of the new Ministries, a regulation on the framework and guiding principles of the Kosovo Police Service was promulgated, which provides concrete guarantees for minorities. Provisions for decentralization and stronger relations with local communities, in particular minority communities, include the establishment of police sub-stations in consultation with their representatives, as well as the creation of municipal and local committees whom police must consult on matters related to policing and public safety. The KPS regulation also established a new role for municipal assemblies in the selection of their local police station commander. In parallel, efforts to recruit police officers from the communities have been reinforced. My Special Representative also promulgated a regulation on the regulatory framework for the justice system in Kosovo. This regulation includes provisions mandating affirmative action measures to recruit more judges and prosecutors from underrepresented communities; entrenching guarantees of improved access for all communities to justice, including court liaison offices, "court days" and new departments of municipal courts; providing for international judges to decide on appeals where ethnic bias is credibly believed to have affected the decision of the court of first instance; and establishing an Independent Judicial and Prosecutorial Commission to administer a comprehensive vetting and reappointment process for all judges and prosecutors in Kosovo.

18. An interim review of progress on establishing the Ministries confirmed the commitment of the respective Ministers to the principles contained in those regulations. My Special Representative thus proceeded on 26 April with the appointment of the first KPS Deputy Police Commissioner and three KPS Assistant Deputy Police Commissioners, who were selected by the Senior Police Appointment and Disciplinary Committee; a fourth is still to be appointed.

Returns

19. An eight-month long consultation and review of the policy and process regarding communities, returns and sustainable solutions to displacement was concluded at a two-day joint Provisional Institutions/UNMIK workshop on a new strategy and action plan on communities and returns for Kosovo, held in Pristina in April 2006. On the basis of the review, the Manual for Sustainable Return will be revised by the end of May 2006. The manual, amended in accordance with the workshop's recommendations, and endorsed by the Provisional Institutions, will focus on a rights-based approach allowing for the free and informed choice of residence and assistance through development and social cohesion programmes.

20. The challenges in promoting returns and integrating returnees remain significant, however. Since 2000, the total number of minority returnees is estimated at 14,648, 45 per cent of whom are Kosovo Serbs. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), 1,231 people remained displaced as a result of the violence of March 2004, out of a total of approximately 4,100 originally displaced. The fact that the first Kosovo Serb return to a town, Klina municipality, took place only in March 2005, illustrates the obstacles to urban return. So far, 63 Kosovo Serb families have returned to Klina with the assistance of municipal authorities. The overwhelming majority of Serb returns have been to all-Serb communities and minority areas with minimal interaction with Kosovo Albanians. While it must remain a high priority to prepare the conditions for sustainable returns, it would appear that those who have been displaced watch the future status talks closely and will decide whether to return in the light of the outcome and the specific conditions of the eventual political settlement.

UNMIK restructuring and future arrangements

21. UNMIK continued to adapt its structures as further competencies were transferred and, in anticipation of future international engagement in Kosovo, in preparation for the implementation of an eventual political settlement. Under the leadership of my Special Representative, preparations continued for a possible international civilian presence in Kosovo following a determination of future status (see S/2006/45, para. 14). Regular Steering Board meetings were held in Vienna and thematic working groups met in Pristina. The working groups have produced technical assessments of the functions and capacities of a possible future international civilian presence, which were developed in consultation with key partners likely to have substantial roles in Kosovo after the end of the UNMIK mandate. In addition, the European Union intends to establish a planning mission in Pristina in May. It is clear that no firm commitments can be expected until the future status of Kosovo has been determined.

III. Observations

22. I am pleased that the political process to determine the future status of Kosovo is under way, with the active involvement of both sides. Much, however, remains to be done to ensure substantial progress. I echo the calls made for both sides to demonstrate flexibility, generosity and a spirit of compromise in the talks. Though initial positions will naturally differ, mutually beneficial arrangements can be found if both sides pursue negotiations in this manner. Without such an approach, progress will be difficult and neither side will benefit. I welcome the international community's support for the political process to determine the future status of Kosovo. Although it is the responsibility of the two sides to ensure progress, the unified and coordinated support of the international community is essential for the success of our common endeavour.

23. The election of the new Kosovo leadership, in accordance with democratic procedures, can be seen as a sign of the increased capacity of the institutions of Kosovo, which bodes well for the future when it will surely face additional challenges. These challenges can be more readily met if Kosovo's leaders maintain their vision of a multi-ethnic and democratic society.

24. I welcome the renewed vigour in the implementation of the standards. The processes that have been put in place give hope that concrete and demonstrable results will follow. Implementation of the standards is a measure of the commitment of the political leaders and Provisional Institutions of Kosovo to realizing a society where all people can live in dignity and without fear. I would remind them that real progress in this regard remains an essential factor in determining progress in the political process to determine Kosovo's future status. I therefore call upon the Government of Kosovo to tackle the challenges in standards implementation without delay, with a particular focus on priority areas, with the same energy it has used to invigorate the process. I call upon all of Kosovo's leaders to support the Government to this end.

25. It is equally essential that Kosovo Serbs rejoin the Provisional Institutions at all levels and actively engage in them. Remaining outside the Institutions will not bring their communities any benefit, and in fact negatively affects their ability to bring meaningful improvements into the lives of their communities. I am concerned about reports of pressure on Kosovo Serbs to withdraw from positions within the Provisional Institutions. I call upon Belgrade to facilitate their working within these Institutions, and not to hamper them.

26. Reconciliation remains essential for the future of a multi-ethnic Kosovo as well as stability in the region. Although all communities have a role in improving the conditions under which all can live and work together in harmony, the principal responsibility rests with the majority. The increased outreach to non-majority communities, particularly Serbian, by the leaders of Kosovo is therefore welcome. The outreach by Kosovo's leaders will not however suffice as, in the absence of a change in the hearts and minds of the majority population, reconciliation will not take root. I call upon the leaders and people of Kosovo to increase their efforts to engage in reconciliation and the promotion of confidence across communities. This is an essential factor in reassuring all who live in Kosovo that they can remain in — and return to — a Kosovo where they are welcome. I remain disappointed with the low numbers of returns, and I support the measures under way to encourage people to return to, and remain in, places where they can live. This requires not only political commitment but also financial commitment, at all levels, to ensure tangible improvements in the conditions on the ground.

27. Despite the stable security situation, I remain concerned about incidents of violence, whatever the source, directed against people and religious sites. Such incidents only reinforce people's fear and isolation, and reduce mutual trust and confidence. Violence will affect the future status process, and must not be tolerated by any part of the society in Kosovo. Those responsible must be brought to justice, which requires active support to the rule of law institutions by the people in Kosovo. It is their responsibility as members of a society to give that support. I am pleased that the transfer of additional police and justice competencies to the Provisional Institutions is under way, and encourage those institutions to ensure that they conduct their work in a way that increases the confidence of all communities.

28. I welcome the commitment of the European Union to prepare for a possible leading role in the police and justice sector. This initiative is critical to ensuring that any future international presence is well coordinated, appropriately resourced, and fully prepared for the commitments necessary to sustain our achievements so far. I

urge our partners to remain engaged so that the eventual transition following the political settlement is smooth and orderly.

29. I would like to extend my appreciation to my Special Representative, Søren Jessen-Petersen, and to the staff of UNMIK for their continued dedication and commitment to the values and objectives of the United Nations and to their steadfastness in carrying out their challenging tasks, often in difficult circumstances. I would also like to extend my appreciation to KFOR, our partners within UNMIK — the European Union and the Organization for Security and Cooperation in Europe — and the United Nations agencies, funds and programmes as well as other organizations, contributors and donors for their commitment and valuable political and practical support.

Annex I

Technical assessment of progress in implementation of the standards for Kosovo

Prepared by the Special Representative of the Secretary-General for Kosovo, 30 April 2006

Introduction

1. In my last technical assessment, dated 20 December 2005, I noted that implementation of the standards had slowed. In response to that assessment the Provisional Institutions of Self-Government immediately began to revitalize the standards process by launching workplans in December and February targeted at specific areas identified in the assessment as priorities.

2. The new leadership established in the first quarter of 2006 stated clearly and frequently that standards implementation would be a top priority for all organs of the Provisional Institutions, with special emphasis on the agreed workplans and minorities. In order to review and intensify progress, the Prime Minister has convened fortnightly meetings of the Standards Steering Group, comprising all ministers with responsibilities for standards, a body which had previously met infrequently. Working Groups on all eight standards have met regularly during the reporting period.

3. As a result of this intensified effort it is now possible to discern progress across a broad front on standards implementation. If the Provisional Institutions maintain their present level of commitment we should witness substantial further achievement in the coming months.

Functioning democratic institutions

4. The institutions of Kosovo coped competently with the death of President Ibrahim Rugova on 21 January, his funeral on 26 January, and the election by the Assembly of Kosovo of his successor Fatmir Sejdiu on 10 February, then the new President of the Assembly, Kolë Berisha, and the new Prime Minister, Agim Çeku, on 10 March, in full compliance with the rules of procedure and the Constitutional Framework.

5. Assembly rules of procedure have generally been adhered to. Plenary session agendas are now prepared in advance and formally adopted by the Assembly in plenary, in compliance with the rules and in contrast to previous reporting periods. An exception to generally good adherence to procedure was the appointment of three members of the Anti-Corruption Agency Council according to an irregular procedure at the plenary session on 23 February under the previous Assembly President.

6. Of the Kosovo Serb members occupying 10 reserved seats in the Assembly, the eight members from the Serbian List for Kosovo and Metohija have continued to exclude themselves from plenary sessions but have participated to a limited extent in committee work and have submitted comments on for example the draft law on cultural heritage. The two Assembly members from the Serbian Democratic Party of Kosovo and Metohija have continued to attend plenary sessions.

7. The official target set by the Provisional Institutions of 16.6 per cent minority participation at the central level and the fair-share employment targets for the local level, including people employed in parallel structures, have not yet been met. In the central government institutions the figure is 11.4 per cent, while in municipalities figures available suggest 13.4 per cent.

8. Parallel structures have continued to operate in areas where significant Kosovo Serb populations live. Although the Provisional Institutions have continued to pay salaries to Kosovo Serb employees who also receive salaries from Belgrade for the same work, those employees were faced during the reporting period with an increasing insistence from the Belgrade Government's Coordination Centre for Kosovo that they should choose between the Belgrade and Provisional Institution salaries. This has led many of them (as many as 70 per cent by UNMIK estimates) to withdraw from the Provisional Institution payroll. The policy of the Provisional Institutions, however, has been to keep those Kosovo Serb employees on the payroll.

9. The Office of Gender Equality has been fully established within the Office of the Prime Minister. According to their data women hold 28.7 per cent of decision-making positions in the central institutions. In the municipalities, women occupy 10.08 per cent of the decision-making posts.

10. Progress on use of languages remained variable, though progress has been made at central and municipal level. Interpretation is available at all Assembly meetings and all municipal assembly and committee meetings whenever minority members are present. But the progressive draft law on languages is held up, as the Assembly considers objections raised by the Turkish community. Twenty-two of 30 municipalities have dedicated language units: the others, except Zveçan/Zvečan, have at least one translator/interpreter — translation services are generally inadequate in the three northern municipalities. The Ministries of Public Services and Local Government have units to monitor language compliance in ministries and municipalities respectively, but in many cases there has been insufficient allocation of resources for ensuring compliance with language standards. The quality of translation needs to improve.

11. Many cases have been reported of use of unofficial place names by official bodies, especially at the municipal level. Action by Provisional Institution authorities to replace or repair road and place-name signs where the name in one language has been defaced, however, has intensified.

12. The Internal Oversight Board, investigating grievances from and allegations of misconduct by civil servants, has handled 68 cases since August 2005. The Senior Public Appointments Committee has to date handled eight dismissal cases involving Permanent Secretaries, amid concerns that the position of permanent civil servants is still vulnerable. The Prime Minister moved to allay these concerns by seeking my authority to incorporate the Appointments Committee into his office; I have now given that authority and the transfer will take place on 2 May.

13. From November 2005 to April 2006, the Office of the Auditor General issued and made public 17 external audit reports regarding procurement procedures within municipalities and some ministries. Auditors' observations note widespread non-compliance with laws and regulations regarding procurement. Audits of all

municipalities are under way, and both the President of the Assembly and the Prime Minister have requested audits of their institutions.

14. Of the 118 licensed broadcasters, 72 operate only in Albanian and 35 operate only in Serbian. The remaining 11 stations are multi-ethnic and/or multilingual. The first Kosovo Turkish television station was officially launched on 13 April, which will also transmit news in the Albanian, Serbian, Bosnian and Roma languages.

15. Of the three Kosovo-wide television and four Kosovo-wide radio broadcasters, only the public broadcaster, RTK, provides television and radio programming in minority languages. A new law governing the public broadcaster RTK was promulgated on 11 April. Minority programming amounted to 9.2 per cent of RTK broadcast time. This is significantly less than the 15 per cent required by both UNMIK Regulation 2001/13 and the new law. More positively, RTK reports that 16 per cent of the programming it produces itself, and 20 per cent of its news programming, is in minority languages.

16. Slow progress is being made on the appointment by the Assembly of members of the independent media commission council. Once the council is established, an indigenous Chief Executive can finally be appointed.

17. No cases of hate speech were reviewed by the Temporary Media Commissioner in this period, and the incidence of hate speech in the media has been small. Media in all communities, however, continue to show little sympathetic understanding of the perspectives and problems of other communities.

18. The system for awarding and administering grants for the Minority Media Fund has been finalized in accordance with the strategy for minority broadcasting. A call for applications for grants from the Minority Media Fund has been published. The Government has allocated €50,000 and the RTK law allocates 5 per cent of the broadcasting fee to the Minority Media Fund.

Functioning democratic institutions: challenges ahead

19. Improvements in the handling of Government and Assembly business, especially since the change of leadership of these institutions in March, need to be consolidated and become self-sustaining. The authorities of the Provisional Institutions of Self-Government now seem increasingly determined to use the standards to bring permanent improvements into the lives of ordinary people.

20. The push to increase minority participation in government must continue, but cannot fully succeed as long as Kosovo Serbs are actively discouraged by the Belgrade authorities and their own communities from responding to overtures from Kosovo Albanian leaders.

21. Language provision, for example, is an area not entirely dependent on cooperation. Adoption of the language law and fulfilment of the standards on language provision would be a positive sign to the Kosovo Serbs of the open attitude of the Provisional Institutions.

22. Allegations persist in improper recruitment practices. The proceedings of the Internal Oversight Board and the Senior Public Appointments Committee need to be strengthened until they are generally perceived as ensuring impartial recruitment and disciplinary practices. The move of the Appointments Committee into the Office of the Prime Minister is a welcome step in this direction.

23. The Independent Media Council and the Chief Executive must be appointed in order to continue the promotion of higher quality broadcasting.

Rule of law

24. On 10 March, the Kosovo Assembly confirmed the appointments of new Ministers of Internal Affairs and Justice. Establishment of the new ministries has been slow but correct and orderly. Following my positive assessment of the exercise of competencies in the first months after the establishment of the ministries, a second more extensive set of competencies (including oversight over the Kosovo Police Service (KPS) and the Kosovo Correctional Service (KCS)) were transferred to the new ministries by a further Regulation promulgated on 27 April. A Regulation setting out a regulatory framework for the justice system in Kosovo was promulgated on the same day.

25. Most functions of the police have transitioned to the control of the Kosovo Police Service except Mitrovicë/Mitrovica regional headquarters, and certain units like War Crimes and Witness Protection. Traditional police and investigative functions are handled almost entirely by KPS. On 26 April, and coinciding with the second phase of transfer of competencies, I appointed the first KPS Deputy Police Commissioner and three KPS Assistant Police Commissioners; a fourth has yet to be appointed.

26. On 1 February, the first local Commissioner of the Kosovo Correctional Service was appointed by the Penal Management Division of the Department of Justice.

27. Pursuant to Regulation 2005/54, the Kosovo Academy of Public Safety Education and Development and the Kosovo Public Safety Standards and Education Board have been established.

28. A total of 15.5 per cent of all KPS officers are from minority communities (slight increase from the last reporting period) with more than 20 per cent of higher ranking officers coming from minority groups. KCS has 14.53 per cent minority staff. Women's participation in rule of law institutions compares favourably with the region: 27 per cent of judges, 18 per cent of prosecutors, 17 per cent of correctional staff, and 14 per cent of police. However, there are only 27 women of a total of 413 registered advocates.

29. Most of the cases arising from the violence in March 2004 have been conducted by the local judiciary (charges pressed against 426 people, 217 convictions, 14 acquittals, 89 cases pending, 106 cases dropped for lack of evidence). International prosecutors ran 44 most serious cases (13 convictions, 12 cases dropped, 2 before courts, and others pending). Files received from the Serbian Ministry of the Interior have been translated and investigations into the remaining cases expedited and prioritized.

30. Pursuant to UNMIK Regulation 2005/52 of 20 December 2005, the Kosovo Judicial Council was established as the successor of the Kosovo Judicial and Prosecutorial Council. The Council immediately commenced a campaign inviting applications for the posts of judges and prosecutors from minority communities, with a good initial response from Kosovo Serb candidates.

31. Nine Court Liaison Offices are functioning in minority areas. Field preparations are ongoing for the organization of Court Days in six places. The first court day was 25 April in Hoça e Madhe/Velika Hoča. The second will be held in Grace on 9 May. The opening of a minor offences court in Graçanicë/Gračanica is being actively discussed with community leaders.

32. Minority community members are 9.44 per cent of judges and 9 per cent of prosecutors.

33. A total of 43,994 cases are awaiting decision in the civil courts (an increase of 3.7 per cent since the last report).

34. On 23 February, the Kosovo Assembly adopted the Law on the Kosovo Judicial Institute establishing the Institute as an independent body to coordinate training of judges and prosecutors and of judicial and prosecutorial candidates. The law was promulgated on 24 April.

35. Mechanisms are still not in place for adequate witness protection. Since 1 December 2005, seven cases of witness intimidation have been reported, and protective measures ordered for three cases. The draft law on witness protection will be submitted to the Government by June 2006. Witness protection equipment for five district courts, donated by the British Government, will be installed by June 2006. It is hoped these measures will encourage more witnesses to come forward. Without the ability to relocate witnesses out of Kosovo, however, results may be limited.

36. On 7 February, the Government approved the long-awaited Anti-Corruption Action Plan. Ten months after the deadline foreseen by the Anti-Corruption Law for the establishment of the anti-corruption agency, no Director has been appointed and the agency is not in existence, though an Anti-Corruption Council was finally established on 23 February.

37. On 24 March, a municipal court judge and his co-conspirator were convicted of extortion and were sentenced to three years in jail, in a case where the judge was convicted of accepting a bribe. This successful prosecution sends a strong message that such behaviour is criminal and will be investigated, prosecuted and punished.

38. The Victims Advocacy and Assistance Unit is opening three new Victims' Advocate offices in various regions of Kosovo. The Interim Secure Facility continued to support victims of trafficking.

39. Full cooperation with the International Tribunal for the former Yugoslavia, and legal cooperation with other jurisdictions, continued.

Rule of law: challenges ahead

40. The new Ministries of the Interior and Justice need to continue to develop capacity to accept increasing responsibilities in the police and justice sectors.

41. Cases arising from the violence of March 2004 need to be closed so that Kosovo can move on. Local leaders should publicly call for witnesses to come forward because progress is hampered by the failure of witnesses to testify.

42. Serious and organized crime, financial and economic crime, including money-laundering and trafficking, continue to be a challenge for Kosovo as for the whole region.

43. Corruption remains a concern to both international and domestic observers; the anti-corruption agency needs to be established and to develop a track record in fighting corruption at all levels. Successful prosecutions for corruption need to be publicized as a deterrent to others.

44. Measures to protect witnesses and court officials from intimidation need to be strengthened, and seen to be strengthened. Only in this way will public confidence in the legal system be encouraged.

45. The increasing backlog of civil cases before the courts needs to be reduced. Judgements once passed need to be enforced.

Freedom of movement

46. Leaders of the Provisional Institutions continued to condemn incidents of violence and vandalism, speaking directly to the public at open meetings and through statements to the media.

47. Twenty-eight municipalities had functioning Local Crime Prevention Councils. In accordance with the new Regulation on the Framework and Guiding Principles of the Kosovo Police Service (2005/54), all have begun transitioning these councils into Municipal Community Safety Councils to enhance the security of members of all communities.

48. Citing budget constraints, the Ministry of Transport and Communications ceased the operation of the five inter-urban bus lines subsidized from the consolidated budget that had been serving minority communities on a pilot basis. The Ministry is currently preparing an all-inclusive strategy to meet minorities' needs for public transportation in cooperation with the Ministry of Communities and Returns. Once the strategy is completed and approved, the Government will need to ensure sustainable funding for its implementation. Transport operators need to hire more minorities.

49. Although it is not always possible to identify with certainty which crimes have an inter-ethnic motive, police figures for potential ethnically-motivated incidents were low and showed a declining trend compared to 2005. The improving picture was offset by a small number of high-profile cases, and despite the statistical improvement members of minority communities continue to express fears about their freedom of movement.

50. KPS regularly conducts freedom of movement surveys among minority communities. In the latest, dated 28 April, 99 per cent of those polled reported travelling outside their home area, 80 per cent said they felt safe while doing so, and none reported crimes against them while moving.

Freedom of movement: challenges ahead

51. Discussion must continue on the most appropriate form of policing in minority areas, in response to the needs of the communities.

52. Minority communities should be provided with transport links, in response to a survey of needs.

53. Confidence-building measures must continue to encourage minority community members to feel more confidence in their freedom of movement,

reflecting the statistical improvement in the number of crimes and incidents. The Provisional Institutions and the Belgrade authorities can both play a part in this.

Sustainable returns and the rights of communities

54. Visible support for returns and outreach to displaced and receiving communities continues by all political leaders. An unprecedented event occurred on 23 April, when President Sejdiu accepted an invitation from Bishop Teodosije of the Serbian Orthodox Church to celebrate Easter in the monastery at Deçan/Dečani. Political party leaders contribute to community dialogue through the work of the Community Consultative Council, under the chairmanship of Veton Surroi, leader of the ORA party. The Prime Minister formed a new confidence-building task force to advise him on strategy towards Kosovo communities, which met for the first time on 25 April.

55. The number of returns remained low, partly because the returns season has not yet started. UNHCR documented 218 voluntary returns from 1 December to 31 March, of which 50 per cent were Kosovo Serbs. Returns projects are ongoing in 17 municipalities and planned in 6 more. Out of approximately 515 families that were displaced in March 2004, 154 have returned to their homes permanently. About 50 houses were reported sold and 216 houses remain abandoned.

56. There is an estimated funding gap of €31 million for already-approved projects. The Provisional Institutions have allocated €8.5 million for returns in the 2006 consolidated budget, and remain the biggest single funding agency.

57. The reconstruction programme of March 2004 was not significantly advanced during the reporting period. No new body has been established to finalize the operational responsibilities of the dissolved Central Inter-Ministerial Commission. More than two years after the events of March 2004, the reconstruction of residential property has not yet been concluded, the reconstruction and/or compensation of commercial property has not yet begun, the payment of start-up assistance, as well as compensation for damaged secondary buildings, is far from being complete. One hundred and sixty one complaints have been received about the quality of residential reconstruction. An amount of €417,000 has been included in the 2006 consolidated budget, which is insufficient for completion of the reconstruction and compensation programmes. On 25 April, the Prime Minister went with me to the village of Svinjarë/Svinjare, site of the majority of complaints, talked to some of the residents and undertook to ensure a better response by the Provisional Institutions of Self-Government.

58. Urban returns are ongoing in 11 municipalities and planned in two more. Successful implementation of the return of 36 Kosovo Serb families (by 19 April) to urban Klinë/a has influenced Lipjan/Lipljan to start developing an urban return project. Progress was achieved in the reconstruction process of the largest informal settlement in Kosovo, Roma Mahala of Mitrovicë/Mitrovica. The municipality has issued the construction permits for two apartment blocks that will host some of the inhabitants. A ceremony to mark the start of the reconstruction was held on 25 April. Some of the potential beneficiaries, 58 Roma/Ashkali and Egyptian internally displaced families, have moved out of the lead-contaminated camps in northern Mitrovicë/Mitrovica and Zveçan/Zvečan into safer facilities in the northern part of the city. Two hundred and seventy-two individuals remain by their own choice in the contaminated camps, despite the offer of safer alternatives.

59. A workshop on a Strategic Framework on Communities and Returns was held on 10 and 11 April, with the significant participation of representatives of the internally displaced from Serbia and Montenegro, to finalize the policy for achieving sustainable solutions for the displaced population and to stabilize the life of communities in Kosovo.

60. The Ministry of Communities and Returns has downsized its staff to 125 to bring it in line with its budget authorization. Recruitment and subsequent terminations have not been conducted according to civil service regulations. The Ministry's capacity to manage its area of responsibility still requires significant improvement. Return projects not in compliance with the Manual for Sustainable Returns were developed by the Ministry, such as new building at Zoçishtë/Zočište and a plan to build social housing for resettlement of internally displaced persons.

61. The overall fair-share financing target for 2005 has been slightly exceeded, and a large majority of municipalities achieved their targets.

62. In general access to public services is available, although the perception in the Kosovo Serb communities is that health facilities cannot be accessed, owing to security concerns and linguistic problems. The Ministry of Health has established mobile teams that offer services to returned communities and others who do not otherwise have access.

63. Communities and mediation committees have been established in all municipalities. Communities committees are functioning in 10 municipalities, and partially functioning in 15 municipalities. Communities committees need to start functioning in Gllogoc/Glogovac, Malishevë/Mališevo, Obiliq/Obilić, Kaçanik/Kačanik and Shtërpcë/Štrpce.

64. Human rights units have been established in all ministries. As part of the Government's emphasis on improving human rights protection, the Prime Minister signed an agreement with OSCE on 20 March to build the capacity of these units in cooperation with international human rights advisers.

65. Despite the endorsement of a comprehensive action plan to implement the Anti-Discrimination Law, no measures for its implementation have been put in place yet.

66. The Framework Convention for the Protection of National Minorities Advisory Committee Opinion on Kosovo was adopted on 25 November 2005 and made public on 2 March 2006. Since then, no decision has been made on how to implement its recommendations and/or on how to coordinate their implementation.

Sustainable returns and the rights of communities: challenges ahead

67. The Provisional Institutions of Self-Government urgently need to complete the reconstruction of property damaged in March 2004, so that the people displaced by those events can have the choice to return.

68. The new strategy on communities and returns needs to be agreed between UNMIK, the Provisional Institutions and the authorities in Belgrade, and then implemented.

69. The Ministry of Communities and Returns needs to follow the established recruitment, budget and civil service laws and procedures, and the policies developed in line with the European standards for good governance.

70. The Provisional Institutions need to do more to implement the Anti-Discrimination Law and the Framework Convention for the Protection of National Minorities.

Economy

71. Budget management strengthened. The total execution rate of the 2005 budget was 93.5 per cent. The final budget report for 2005 indicates that expenditure was within legal ceilings, including for wages and salaries.

72. The recommendations of the IMF letter of intent (signed in the previous reporting period) have been partially implemented. The Ministry of Finance and Economy is controlling the wage bill in line with the Budget Law. Eligibility for the old-age pension is being more strictly controlled. Implementation of the commitment to cut public employment by 10 per cent has yet to begin, however.

73. The medium-term expenditure framework was presented at a preliminary donors' meeting on 13 December 2005 and subsequently revised to reflect stakeholders' comments. It was reissued on 22 March and presented at the donors' meeting for Kosovo organized by the World Bank and the European Commission in Pristina on 5 April.

74. Privatization continued to accelerate. The thirteenth, fourteenth and fifteenth waves were initiated. Special spin-off sales continued. A total of 122 sales contracts have been signed up to date, to a value of around €240 million paid and pending, and 79 more are in progress. The finalized sales purchase agreement on 20 April for Ferronikeli — worth €30.3 million — represented the largest private foreign investment in Kosovo since 1999.

75. On 28 April I promulgated the Law on the Procedure for the Award of Concessions and the Law on Foreign Investments.

76. The Advisory Board of the Investment Promotion Agency has been established and its first meeting held on 8 January. Interviews for the CEO of the Agency have recently been concluded by the Senior Public Appointment Committee, but a final appointment is yet to be made. The operational statute of the Agency has been completed but has not yet been approved.

77. The Kosovo Trust Agency disputes with municipalities over sequestered socially owned enterprise land made some progress. The Trust Agency received from the Ministry of Local Government cadastral documentation and letters from municipalities justifying their requests for certain land plots in the public interest. Twenty-six municipalities have provided preliminary lists of socially owned enterprise land they request for public use.

78. UNMIK Railways, District Heating and KEK have been incorporated, completing the incorporation of all major publicly owned enterprises in Kosovo.

79. Utilities billing rates have remained comparable to previous periods (KEK at 52 per cent, water waste and irrigation at 89 per cent, PTK stable at 100 per cent). The KEK collection rate against billed energy in the period from January to March

2006 was 68 per cent, up from 52 per cent for the same period last year. The average KEK collection rate against supplied energy for the period from January to March 2006 was 32 per cent.

80. A Department of Resource Planning was established in the Ministry of Local Government with the task of tracking the preparation and realization of municipal economic development strategies and to assist with donor contacts.

81. Minority employment is 4.9 per cent in the Banking and Payments Authority, 4.7 per cent in the Tax Administration and 18 per cent in UNMIK Customs.

82. Negotiations on a free trade agreement with Bosnia and Herzegovina have been concluded and await approval; an investment protection agreement was signed with Turkey. UNMIK/Kosovo approved by acclamation at a meeting in Bucharest on 6 April a joint declaration on the enlargement of the Central European Free Trade Agreement to all South-East European members of the network of bilateral free trade agreements established under the auspices of the Stability Pact.

83. On 15 February, the Assembly of Kosovo approved 13 nominees for the Independent Tax and Customs Review Board. The Board convened its first meeting on 1 March, and has begun work on its backlog of 240 cases at a rate of four cases per day.

Economy: challenges ahead

84. Urgent action is needed to implement auditors' recommendations on public procurement procedures (the Public Procurement Law has now been revised and will be forwarded for Government approval in the near future).

85. The commitments from the IMF letter of intent should be fully implemented: eligibility for social benefits should be more strictly controlled; planning should be done for a 10 per cent cut to public employment.

86. Work should continue on the completion and implementation of the Treasury's financial directive for internal control of public finances and the implementation of a purchasing module in the Treasury's free balance system. The financial directive and purchasing module will permit central monitoring and control over expenditure obligations incurred by budget organizations.

87. The socially owned enterprises land sequestered by municipalities should be returned or municipalities should provide a public benefit justification in line with Regulation 2006/5.

88. The Investment Promotion Agency should be made operational by the appointment of a CEO and the approval of the operational statute.

Property rights

89. The Kosovo Property Agency was established on 4 March as an independent body and successor to the Housing and Property Directorate. The Property Agency has the function to receive, register and assist the courts in resolving conflict-related private immovable property claims (including those related to agricultural and commercial property) to enforce the related decisions and to administer abandoned properties.

90. Initiatives were taken to address the backlog of property-related cases. The Ministry of the Environment and Spatial Planning requested the new Ministry of Justice to assess the legal possibilities and available resources in the courts to support the reallocation of judges to address cases in the courts with the highest backlog.

91. The Housing and Property Directorate has adjudicated 99.95 per cent of the 29,155 claims received. The remaining claims are scheduled to be adjudicated in June/July 2006. A total of 26,351 claims from the Directorate's caseload have been implemented and 2,804 (10.6 per cent) claims are pending implementation. The trend of repossession remains low — only 10.34 per cent claimants have chosen repossession. Of 3,473 released properties, 86.15 per cent were released through evictions, and 13.84 per cent were voluntarily released. A total of 5,328 residences are under administration.

92. A Kosovo-wide information campaign against illegal occupation was implemented. A new memorandum of understanding has been signed between the Police and the Kosovo Property Agency that outlines the responsibilities of both in securing the enforcement of eviction orders. The Government has begun to implement a policy to sanction civil servants illegally occupying property following a comparison of Kosovo Property Agency and civil service databases a very low incidence (eight cases) has been reported and measures against those individuals are pending.

93. Implementation of the Immovable Property Rights Register is ongoing. The Kosovo Cadastral Agency has linked seven municipal cadastre offices to the digital register. The field work has been completed for three pilot cadastre reconstruction projects and the Agency is considering the claims filed.

Property rights: challenges ahead

94. The protection of housing and property rights continues to challenge both the international community and the Provisional Institutions. More than 5,000 residencies remain under temporary administration. Illegal construction and illegal occupation are recurrent problems.

95. Legal reform relating to property rights needs to move forward to ensure compliance with international and European standards. Harmonization of the whole framework is needed. The task force established by the Expert Group on Property to support the reform should meet on a regular basis.

96. Concerns remain in the conduct of expropriation at the municipal level.

97. Judicial remedy mechanisms are not sufficiently effective to command the confidence of the public in due process under the law.

98. The work of the Cadastral Agency and the municipal cadastral offices, as well as the functioning of the judiciary, is still hindered by lack of access to cadastral and judicial records currently held in Serbia but relevant to and originating from Kosovo. My latest request on 2 February to the Prime Minister of Serbia to gain access to all relevant property records has not so far received a reply.

99. Concrete actions to regularize informal settlements at the municipal level, following the recommendations of the informal settlements situation analysis

conducted by the Ministry of the Environment and Spatial Planning, are still necessary.

Cultural heritage

100. A Ministry of Culture, Youth and Sport youth information campaign on cultural heritage started in March and will continue until early May. The campaign consists of presentations in 12 municipalities most affected by the violence of March 2004, where the ministers and officials have spoken on the importance of cultural heritage in Kosovo. Leaflets and posters in three languages have been distributed, and a billboard campaign mounted all over Kosovo.

101. In February 2006 the Minister for Culture, Youth and Sport stopped the approval of the draft law on cultural heritage by the Assembly, after minority representatives requested further consultations. The Council of Europe agreed to assist the Ministry and the Parliamentary Committee in the redrafting of the law and organized two workshops in April with international and local experts to revise the final draft. Minority representatives were invited to both workshops but none participated.

102. On 21 February and 27 April, meetings of cultural coordinators from Pristina and Belgrade were held, according to an agreement which arose out of the meeting held in September 2005 between the Minister for Culture, Youth and Sport and the Serbian Minister of Culture. Coordinators agreed to establish four working groups on issues related to return of documents; return of artefacts; archaeology; and artist-to-artist exchange.

103. Preparations were made for substantive work on the archaeological, architectural and movable heritage inventories to start by early May 2006. So far 2,500 sites and monuments have been registered.

104. The first phase of consolidation and emergency works on 30 Orthodox sites damaged during the riots of March 2004 was completed in December 2005, led by the Reconstruction Implementation Commission under the chairmanship of the Council of Europe. Following the restart of the activities of the Commission early in April, a second phase of more substantial reconstruction/restoration works on Orthodox sites is expected to start in May/June. The Commission met in April in Pristina and all parties, including the Ministry of Culture, Youth and Sport and the Serbian Orthodox Church, made clear their commitment to move the process forward as quickly as possible. In addition to the budget allocated in 2006 for cultural heritage protection (€740,000), €2,923,709 has been allocated to the Commission.

105. In April, the proportion of minorities employed in the sector was 14.61 per cent in the Ministry of Culture, Youth and Sport at the central level and 14.28 per cent in its Cultural Heritage Division, 1.79 per cent in the cultural institutions at the central level (excluding the Ministry) and 11.65 per cent in the cultural institutions at the regional level.

106. During the reporting period (until 15 April) four incidents relating to cultural heritage sites and monuments were reported to the police, which involved damage to an Orthodox church motivated by economic reasons; unexploded ordnance found near a church; damage to a graveyard; and damage to a memorial erected by a Kosovo Serb.

Cultural heritage: challenges ahead

107. Current outreach activities and public pronouncements are delivering the right message, especially to youth, but will need to be followed by a long-term campaign if they are to be effective in educating the public to respect the cultural heritage of Kosovo. A more vigorous public campaign would have avoided, inter alia, public misconceptions over the special zoning area around the Deçan/Dečani monastery.

108. Progress is needed on the Law on Cultural Heritage, the inventories and the integrated conservation policy, so that Kosovo has the basic infrastructure to care for its cultural heritage.

109. The process of reconstruction to repair damage caused during the violence of March 2004 needs to proceed rapidly under the guidance of the Commission and with the cooperation of the Ministry of Culture, Youth and Sport and all actors involved.

110. Vandalism and attacks upon cultural heritage properties must be systematically condemned by public leaders and prosecuted, to show the public that the Government is serious in its policies.

Dialogue

111. Members of the Pristina and Belgrade delegations to the Returns Working Group have met informally on several occasions to finalize the Protocol on Returns but have not yet achieved agreement. The Transport and Communications Working Group convened its second session on 9 February in Pristina. On 9 March, the Missing Persons Working Group held its fifth plenary session, with no new information but commitment from both sides to making tangible contributions to resolving the issues at hand — the incoming Prime Minister has since appointed a new chairman and a new member of the group. The Missing Persons Working Group has also held numerous meetings with the International Committee of the Red Cross and the Office on Missing Persons and Forensics. The Energy Working Group has not met during the reporting period.

112. On 26 April, the Government issued a statement declaring its commitment to the dialogue, and appealed to the public to come forward with information on missing persons.

113. The Government continues to conduct bilateral meetings and attend regional multilateral conferences in coordination with UNMIK.

Dialogue: challenges ahead

114. The Pristina-Belgrade dialogue must continue despite the high-profile attractions of the process to resolve the future status of Kosovo.

Kosovo Protection Corps

115. Following the election of the then Commander of KPC, Agim Çeku, as Prime Minister by the Assembly of Kosovo on 10 March, he was replaced by Sylejman Selimi. The new Commander announced his priorities as implementation of standard 8, continued professionalization and preparation for future change.

116. The Kosovo Protection Corps performed its functions in accordance with the law and with its disciplinary code. The period saw high-profile involvement by KPC in remedial action against natural disasters such as flooding around the Obilic power station and a landslide at Kaçanik/Kačanik which closed the main Pristina-Skopje road between January and March.

117. The percentage of ethnic minorities rose from 6.1 per cent to 6.8 per cent of the active contingent (3,036) with 25 recruited on 11 April, bringing the total to 207. Two Kosovo Serbs including one woman were recruited to key positions in the office of the Commander. Six ethnic minorities, including two Serbs, were promoted on 11 April. Outreach and public information campaigns to recruit and support ethnic minorities continued. On 21 April, all 29 members of the basic training course, exclusively for ethnic minorities, graduated.

118. Women constitute 3 per cent of the active contingent, a rise of 0.2 per cent after six female ethnic minorities were recruited on 11 March. Women are represented at all levels of KPC and occupy more senior ranks in comparison with men. Two training courses on gender equality have been held. A regulation covering the KPC Gender Equality Board (formed in the last reporting period) was signed by the Commander and entered into force on 20 April.

119. KPC explosive ordnance disposal teams cleared 19,390 square meters of land between 3 and 21 April, as the demining season began at the end of winter.

120. KPC involvement in returns and other humanitarian projects has included rubble-clearing, road-building, constructing fire-stations, medical assistance, mine risk education, snow-clearing, and monitoring reconstructed properties until returnees have been ready to move in. Regulation 2006/3 amending Regulation 1999/8 came into effect on 24 January, authorizing KPC to undertake additional humanitarian tasks, to perform ceremonial duties and to attend appropriate security courses.

121. A new KPC disciplinary code came into effect on 14 December 2005. Seventeen cases have been opened under the new code. In general terms disciplinary trends continue to improve and most non-compliance cases remain incidents of absenteeism, which primarily involve Kosovo Serbs.

Kosovo Protection Corps: challenges ahead

122. The Kosovo Protection Corps will continue to face difficulties in attracting Kosovo Serb members in sufficient numbers, as long as potential recruits are discouraged from within their own communities from joining. Nonetheless, the efforts must continue if KPC is to be regarded as a service representing and protecting all communities in Kosovo.

123. Efforts must continue to identify possible activities in support of minority communities, particularly Kosovo Serb communities, to reinforce the message that KPC wishes to protect their interests and help them. The Provisional Institutions of Self-Government should provide the necessary support to KPC in this endeavour.

124. Political and financial support is still needed to enable KPC to repair or purchase mission-essential equipment, respond to restructuring needs, and continue to train and professionalize.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo
(as at 12 May 2006)

Country	*Number*	*Country*	*Number*
Argentina	4	Malawi	5
Austria	24	Malaysia	11
Bangladesh	32	Nepal	19
Brazil	2	Netherlands	1
Bulgaria	42	Nigeria	34
China	18	Norway	20
Croatia	2	Pakistan	121
Czech Republic	10	Philippines	53
Denmark	23	Poland	124
Egypt	21	Portugal	9
Fiji	19	Romania	186
Finland	5	Russian Federation	54
France	58	Slovenia	15
Germany	223	Spain	15
Ghana	27	Sweden	41
Greece	11	Switzerland	8
Hungary	10	Timor-Leste	10
India	91	Turkey	137
Italy	31	United Kingdom of Great Britain and Northern Ireland	65
Jordan	62	United States of America	220
Kenya	17	Ukraine	185
Kyrgyzstan	4	Zambia	9
Lithuania	8	Zimbabwe	20
Total			**2 100**

Composition of the Kosovo Police Service
(as at 5 May 2006)

Category	*Percentage*	*Number*
Kosovo Albanians	84.52	5 769
Kosovo Serbs	9.65	659
Other ethnic minority members	5.83	398
Total		**6 826**
Men	86.21	5 885
Women	13.90	941

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo
(as at 12 May 2006)

Country	*Number of liaison officers*
Argentina	1
Bangladesh	1
Bolivia	1
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Finland	2
Hungary	1
Ireland	4
Italy	1
Jordan	2
Kenya	1
Malawi	1
Malaysia	1
Nepal	1
New Zealand	1
Norway	1
Pakistan	1
Poland	1
Portugal	2
Romania	2
Russian Federation	2
Spain	2
Ukraine	2
United Kingdom of Great Britain and Northern Ireland	1
Zambia	1
Total	**37**

UNMIK
Regional Centres
June 2006
SERBIA AND MONTENEGRO
Serbia
Montenegro
Province of Kosovo
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
Skopje
UNMIK Regional Centre
M.L.O. Headquarters
Military Liaison Office
Logistics base
UNMIK perimeter of operations

United Nations S/2006/362

Security Council

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5 June 2006

Original: English

Letter dated 2 June 2006 from the Secretary-General addressed to the President of the Security Council

Further to a request from the Security Council, please find attached a copy of the letter dated 21 May 2006 addressed to me by Sir Elihu Lauterpacht providing a report on the Eritrea-Ethiopia Boundary Commission's meeting of 17 May 2006 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-37496 (E) 090606

Annex

Letter dated 21 May 2006 from the President of the Eritrea-Ethiopia Boundary Commission addressed to the Secretary-General

Although the next quarterly report of the Eritrea-Ethiopia Boundary Commission is not due until the end of May, in view of the present concern of the Security Council with the problem of the demarcation of the boundary between Eritrea and Ethiopia, I wish to report without delay on the meeting that the Boundary Commission held with the parties in London on 17 May 2006.

The meeting was a follow-up to the previous meeting with the parties held on 10 March 2006. At that earlier meeting, the Boundary Commission emphasized to the parties that the demarcation process which the Commission had been obliged to suspend in late 2003 had to be resumed and completed without further delay. In stating this, the Boundary Commission was reflecting the concern shown by the Security Council, the African Union and other interested States at the possible deterioration in the situation due to the Boundary Commission being prevented from proceeding with the demarcation.

At those two meetings, the Boundary Commission proceeded on the basis that both parties were committed without condition or qualification to the full implementation of the Boundary Commission's delimitation decision of 13 April 2002. Neither party has disputed this.

At the meeting on 17 May 2006, the Boundary Commission informed the parties of its intention, as a first step in the resumption of the demarcation process, to proceed immediately to reopen the Boundary Commission's field offices in Addis Ababa and Asmara. Neither party expressed any disagreement with this step. Taken by itself, however, this step is only of formal significance. The offices have to be staffed, the surveyors have to be re-employed and contracts have to be concluded, initially with the companies that will prepare the boundary pillar sites and, without the same need for urgency, construct the boundary pillars themselves.

I wrote to you on 14 March and 4 May 2006 seeking your assistance in speeding up the process of making these employment and service contracts. On 18 April 2006 you told me that every effort would be made with United Nations procurement regulations to expedite the solicitation of a suitable contractor. However, there has been little, if any, improvement in the situation. Because of the procedures that some apparently believe must still be followed, it will not be possible to put surveyors in place for many weeks and the same is true for the contracts with the construction companies.

There are two further factors that impede progress. One is the re-establishment of arrangements to ensure security of the Boundary Commission's field personnel, its surveyors and the contractors. Without satisfactory safety arrangements, no one will work in the area. Both parties accept that the primary obligation to ensure the safety of personnel rests on them in respect of the areas in which each has control. Eritrea submitted a security plan as long ago as 14 October 2003, but it assumed that the United Nations Mission in Ethiopia and Eritrea (UNMEE) was operating normally and effectively, which, of course, is currently not so. Ethiopia has not yet submitted a plan, saying that it cannot do so until it knows what role UNMEE will

be able to play. The Boundary Commission, at the 17 May 2006 meeting, reiterated its request that Ethiopia produce by 19 May 2006 a security plan based on the assumption that UNMEE will be able to continue to play its part in the demarcation process on the same basis as it has hitherto.

In the period prior to the suspension of demarcation operations, UNMEE had played an essential role. The full resumption of this role as before is essential to the continuation of the demarcation. It includes the provision of the following services: the use of its helicopters for carrying surveyors to various parts of the boundary; likewise, its MEDIVAC helicopters must be available should medical assistance become necessary. Also, its forces must be available to supplement the protection afforded by the parties themselves and this requires freedom of movement on the ground. Mine clearance takes place under the UNMEE umbrella and once a pillar site has been cleared of mines, UNMEE must guard the site to ensure that it is not re-mined. The United Nations Mission in Ethiopia and Eritrea has also provided accommodation for the field offices. The Boundary Commission has been advised that any significant reduction in the size of UNMEE will seriously impair its ability to provide these essential services. In the discussion of these matters, the parties did not express any disagreement with this assessment of the role of and need for UNMEE. The representative of Eritrea said that she hoped that initially Eritrea would be able to withdraw those restrictions on UNMEE that bear on the work of the Boundary Commission and that subsequently it would be possible to deal with other items affecting UNMEE. She was asked to seek a decision from her Government by 22 May 2006.

At the meeting there was also some discussion of the extent to which any adjustment of the line of delimitation set out in the delimitation decision of 13 April 2002 could be made in the course of demarcation. The legal position as repeatedly stated by the Boundary Commission since the promulgation of its decision, is that there is no scope for adjustment of the line save in those few situations specifically mentioned in the decision and also in cases of "manifest impracticability". The Boundary Commission has made it plain that this expression relates to physical impracticability and does not cover situations where, for instance, the boundary divides a village. There is nothing exceptional or unprecedented in the division of villages by an international boundary.

Ethiopia, while accepting the Boundary Commission's April 2002 decision as final and binding, appeared to take the position that if, in the process of demarcating the delimitation line, difficulties were to arise they could only be resolved by negotiations between the parties. The implication of this position could be that any decision of the Boundary Commission on demarcation with which Ethiopia does not agree may not be treated by it as binding.

In paragraph 16 of article 4 of the Algiers Agreement, the parties requested the United Nations to facilitate resolution of problems that may arise from the transfer of territorial control. Such problems in the Boundary Commission's view may include the consequences of division of villages by the delimitation decision. The parties are of course also free to resolve these problems at the political level, but in any case they fall outside the scope of the Boundary Commission's jurisdiction.

The Boundary Commission has had the assistance of a special consultant and may possibly appoint an additional one. Draft terms of reference for the special consultants include the procedure to be followed in their work. These terms of

reference were presented to the parties and were the subject of discussion. The Boundary Commission requested the parties to submit in writing their comments on the draft terms of reference and may amend them in the light of such comments.

The second factor that must be borne in mind is the need for assurances regarding the funding of the operation. The costs of demarcation must be met out of the United Nations Trust Fund. At present, the Trust Fund totals approximately $3.3 million. To complete the operation at least $10 million is required. In the absence of assurances that this sum will be available, the contractors will be unwilling to conclude agreements.

The net result of the meeting is that demarcation will resume as soon as:

(a) The Commission can be assured that UNMEE will be retained in the area at a level sufficient to enable it to continue to provide the services to the field staff on at least the same scale that it has hitherto;

(b) The parties can provide or, if already provided, confirm their proposed security arrangements;

(c) Contracts can be concluded with the surveyors and the on-site contractors;

(d) And, most important of all, both the parties should cooperate fully with the Boundary Commission's representatives in the field. Lest there be any misunderstanding, it must be said that, as yet, it is not clear that the parties are prepared to do this.

(e) The Boundary Commission has set 15 June 2006 for a further meeting with the parties in the hope that this will help to develop the momentum.

(*Signed*) Sir Elihu **Lauterpacht**

United Nations A/60/873–S/2006/363

General Assembly
Security Council

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English
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General Assembly
Sixtieth session
Agenda item 14
The situation in the Middle East

Security Council
Sixty-first year

Letter dated 5 June 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I transmit to you herewith a detailed statistical table showing the violations of Lebanese sovereignty committed by Israel during the month of May 2006. A total of 139 violations were committed (see annex).

These violations are in contravention of the relevant Security Council resolutions, the latest of which is resolution 1655 (2006), and in defiance of your repeated calls for their cessation, most recently in your report S/2006/26 of 18 January 2006. Lebanon counts on the United Nations to compel Israel to desist from such violations, which constitute a threat to international peace and security, and holds Israel responsible for any consequences to which its actions may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 14, "The situation in the Middle East", and of the Security Council.

(*Signed*) Caroline **Ziadeh**
Chargé d'affaires a.i.

06-37714 (E) 070606 070606

Annex to the letter dated 5 June 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Statistical table showing Israeli violations of Lebanese sovereignty during May 2006

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of firebombs, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory	
31	37	15	83	19	6	16	15	139

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General Assembly
Security Council

Distr.: General
5 June 2006

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General Assembly
Sixtieth session

Agenda items 10, 12, 32, 40, 43, 71, 97 (u) and 108

Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Prevention of armed conflict

Comprehensive review of the whole question of peacekeeping operations in all their aspects

The situation in the occupied territories of Azerbaijan

Culture of peace

Human rights questions

General and complete disarmament: confidence-building measures in the regional and subregional context

Measures to eliminate international terrorism

Security Council
Sixty-first year

Letter dated 24 May 2006 from the Permanent Representatives of Azerbaijan, Georgia, the Republic of Moldova and Ukraine to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the Kyiv Declaration on the establishment of the Organization for Democracy and Economic Development — GUAM (ODED-GUAM) (see annex I), a GUAM Summit communiqué (see annex II) and the Joint Declaration of the Heads of State of ODED-GUAM on the issue of conflict settlement (see annex III), adopted by the Presidents of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine at the GUAM Summit held in Kyiv on 23 May 2006.

06-37642 (E) 160606

We should be grateful if the present letter and its annexes could be circulated as a document of the General Assembly, under agenda items 10, 12, 32, 40, 43, 71, 97 (u) and 108 of the agenda of its sixtieth session, and of the Security Council.

(*Signed*) Valeriy **Kuchinsky**
Permanent Representative of Ukraine

(*Signed*) Yashar **Aliyev**
Permanent Representative of the Republic of Azerbaijan

(*Signed*) Revaz **Adamia**
Permanent Representative of Georgia

(*Signed*) Vsevolod **Grigore**
Permanent Representative of the Republic of Moldova

Annex I to the letter dated 24 May 2006 from the Permanent Representatives of Azerbaijan, Georgia, the Republic of Moldova and Ukraine to the United Nations addressed to the Secretary-General

KYIV DECLARATION ON ESTABLISHMENT OF THE ORGANIZATION FOR DEMOCRACY AND ECONOMIC DEVELOPMENT - GUAM

The Heads of State of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine,

Being guided by the norms and principles of international law, the provisions enshrined in the Charter of the United Nations, the fundamental documents of the Organization for Security and Co-operation in Europe and also, the Yalta Charter and the Chisinau Declaration of the GUAM,

Reasserting the dedication to democratic values, full respect for human rights and freedoms, supremacy of the rule of law, both in internal and external affairs, the principles of equality, mutual respect and mutually beneficial cooperation,

Emphasizing common aspiration to expedite advancement toward European integration,

Expressing our deep concern with regard to continuing conflicts and the growing threat to security, stemming out from international terrorism, aggressive separatism and extremism and the related negative phenomena,

Reaffirming commitment to contribute to strengthening the international peace, security and stability on the basis of respect of the principles of sovereignty, territorial integrity and inviolability of internationally recognized borders of the States,

Stressing the significance of deepening economic cooperation, inter alia in the spheres of energy, transport and trade to promote further development and improvement of well-being of their nations,

Highly valuing the spiritual and cultural heritage of people of their states and expressing interest to develop cooperation in humanitarian sphere, particularly in the areas of culture, science, education, healthcare, youth exchange, tourism and sports,

Emphasizing the growing role of regional cooperation in pan-European processes,

1. Declare establishment of an International Regional Organization – "Organization for Democracy and Economic Development – GUAM" (hereinafter referred to as GUAM) with Secretariat in Kyiv.

2. Stress that GUAM's activities are aimed at the enhancement of democracy, adherence to the rule of law, respect for fundamental human rights and freedoms, economic development of States and assuring of security and stability.

3. Reaffirm the need to enhance action to support sustainable development of the GUAM States through dynamic economic growth, social concord and protection of the environment.

4. Declare their intention to cooperate actively in settlement of unresolved conflicts in a number of GUAM States that undermine sovereignty, territorial integrity and independence of those States, impeding the full-scale implementation of democratic reforms and economic development of the region, negatively impact European integration processes and challenge the world community.

5. Express their readiness to further enhance cooperation in combating international terrorism, extremism and aggressive separatism and other related negative phenomena.

6. Stand for deepening of economic, commercial and transport cooperation of the GUAM States and declare the beginning of the implementation of the Free Trade Area Agreement.

7. Declare on inadmissibility of the economic pressure and monopolization of energy market, and emphasize the need to activize efforts to ensure energy security, including by means of diversifying routes of transportation of energy resources from Central Asia and Caspian regions to the European market.

8. Support utmost use of the international transit capacity of the GUAM States to ensure also sustainable supply of energy resources.

9. Express readiness to develop cooperation in the humanitarian sphere, particularly in the areas of culture, science, education, healthcare, youth exchange, tourism and sports.

10. Reaffirm the strive of the GUAM States to deepen European integration and enhance relations with the European Union and NATO.

11. Emphasize willingness of the GUAM States to further develop partnership relations with the United States of America and other States and organizations, in particular, to implement joint projects.

12. Declare that the Organization for Democracy and Economic Development – GUAM is open for accession of other States which share its goals and principles.

Kyiv, 23 May 2006

Annex II to the letter dated 24 May 2006 from the Permanent Representatives of Azerbaijan, Georgia, the Republic of Moldova and Ukraine to the United Nations addressed to the Secretary-General

GUAM SUMMIT COMMUNIQUÉ

23 May 2006, Kyiv

On 23 May 2006 Presidents of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine took part at the GUAM Summit in Kyiv (Ukraine). Presidents of Lithuania and Poland, Vice-President of Bulgaria, and high-level representatives of Romania, Kazakhstan, the USA and also, of international organizations, such as the OSCE, BSEC and diplomatic missions, participated in the Summit as guests.

The Heads of State expressed gratitude to President Vladimir Voronin for the successful chairmanship of Moldova in the GUAM during the preceding period. In accordance with the decision of the Summit, Ukraine has taken over the chairmanship.

The Heads of GUAM States reviewed the implementation of the decisions adopted at the 2005 Chisinau Summit, perspectives of development of interaction in the context of ensuring democracy, stability and development in the region, cooperation in the spheres of economy, energy, trade, transport and security, and also, development of cooperation with other States and international organizations.

The Heads of GUAM States emphasized with satisfaction that over the last year the necessary mechanisms have been created to ensure successful cooperation, thus enabling to step into a new stage of cooperation with involvement of other states and international organizations. They reaffirmed determination of their countries to take consistent and consolidated efforts to implement decisions of the Chisinau Declaration "In the name of democracy, stability and development".

The Heads of State noted the high level of cooperation within the Parliamentary Assembly of GUAM and called the Assembly to actively contribute to the institutional consolidation of the Organization for Democracy and Economic Cooperation - GUAM.

They stressed importance of regular meetings of the secretaries of councils of national security and defense with the purpose of preparation of proposals for cooperation in the spheres of security and economy.

The participants of the Summit paid special attention to challenges and threats of modern time: international terrorism, aggressive separatism and extremism, and transnational organized crime.

It was emphasized that these threats, as well as unresolved conflicts and illegal presence of foreign troops and armaments in GUAM States are recognized as main obstacles on the way to full-scale democratic transformations and economic development in the region.

The participants of the meeting reviewed the processes of settlement of conflicts in GUAM States since the time of the Chisinau Summit.

They noticed positive shifts in the implementation of step-by-step Plan of settlement of the Transnistrian conflict "To settlement through democracy", presented at the Chisinau Summit, including continuation of negotiation process with participation of USA and EU. They positively assessed the EU Mission activities related to the provision of assistance on the Ukrainian-Moldovan state border.

The Heads of State gave high appraisal and stressed the necessity to implement the Plan of peaceful settlement of the conflict in Tskhinvali region/South Osetia, Georgia, presented by Georgia and supported by the OSCE Council of Ministers in Ljubljana on 5 December 2005. Signing of the agreements between Georgia and the Russian Federation on the terms of withdrawal of the Russian military bases and transit of the armaments subject to withdrawal was mentioned with satisfaction.

The Heads of State called for implementation of the UNSC resolutions regarding the conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan and of the principles of settlement of this conflict, elaborated at the OSCE Lisbon Summit. A hope for effective continuation of the negotiation process based on the above mentioned documents was expressed.

The Heads of State decided to enhance interaction with the view to intensify the processes of settlement of conflicts and adopted a Joint Declaration on these issues.

The participants of the Summit highly assessed the level of interaction in combating terrorism, organized crime, drug trafficking and other dangerous types of crimes. They welcomed the Joint Statement of the law enforcement authorities of the GUAM Member States as a result of the meeting in Kyiv on 22 May 2006, and signing by the Heads of Border Services of the Protocol Concerning Cooperation Between Operation Bodies of Border Services of the GUAM States in the framework of the Summit.

The Heads of State welcomed the start of implementation of the Trade and Transport Facilitation Project (TTFP) and the establishment of the Virtual Center for combating terrorism and the Interstate Information Management System (VC/IIMS) Project, implemented with support of a Euroatlantic Advisory Team and the SECI Center. They also welcome the beginning of implementation of the Agreement on Free Trade Area.

The Heads of State expressed their appreciation to the US Government for effective assistance in implementation of the said projects and other programs within the GUAM. They welcomed adoption of the GUAM-United States Joint Statement at the Summit and pointed out the necessity to interact in the implementation of these projects.

The importance of development of mutually beneficial contacts between GUAM and the European Union, and also, with regional organizations, programs and initiatives, such as the BSEC, the Stability Pact for South Eastern Europe, the Visegrad Group, the South Eastern European Cooperative Initiative (SECI) and others, was stressed.

The perspective of further cooperation of GUAM States in the UN and OSCE was underlined, and necessity to use this experience in other international organizations was emphasized. They welcomed adoption of GUAM action plans for cooperation within the UN and OSCE.

The Heads of State underscored the importance of development of cooperation in the humanitarian sphere, including culture, education, health care, youth exchange, tourism and sports. They also welcomed signing of the Agreement between the Ministries of Foreign Affairs of the GUAM States for training of diplomatic representatives.

Following their decisions, adopted at the Chisinau Summit, the GUAM Heads of State declared the establishment of the Organization for Democracy and Economic Development – GUAM and signed its Charter.

The Heads of State expressed their confidence that the establishment of the Organization for Democracy and Economic Development – GUAM will ensure achievement of the set purposes and enable to deepen and enhance cooperation of its Member States.

They stressed that the priorities of the future Organization shall be strengthening of the values of democracy, the rule of law, human rights and freedoms, stability and security, combating international terrorism, aggressive separatism, extremism and transnational organized crime, deepening of the European integration and achievement of sustainable development and well-being of their peoples.

The Heads of State particularly emphasized that GUAM is open organization, and any state, sharing its purposes and principles, may join it. They also adopted the Decision concerning the GUAM's partnership with the interested states and international organizations, and approved the relevant provisions.

Annex III to the letter dated 24 May 2006 from the Permanent Representatives of Azerbaijan, Georgia, the Republic of Moldova and Ukraine to the United Nations addressed to the Secretary-General

JOINT DECLARATION OF THE HEADS OF STATE OF THE ORGANIZATION FOR DEMOCRACY AND ECONOMIC DEVELOPMENT – GUAM ON THE ISSUE OF CONFLICT SETTLEMENT

The Heads of State of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine,

Guided by the purposes and principles, enshrined in the Charter of the United Nations, universally recognized norms and principles of international law, provisions of the fundamental documents of the Organization for Security and Co-operation in Europe, the Yalta Charter and the Chisinau and the Kyiv Declarations of GUAM,

Proceeding from adherence to democratic values and aspirations advance further on the way to European and Euroatlantic integration,

Emphasizing the ever growing role of regional cooperation based on mutual respect of the sovereign rights of the states in Pan-European integration processes,

Stressing that such cooperation facilitates advancement of democracy, strengthening of regional and international security and deepening of economic and commercial ties,

Reaffirming the necessity to respect the sovereignty, territorial integrity and internationally recognized borders of states, as one of the pillars of maintenance of international security,

Reaffirming also the necessity to develop democracy and respect of human rights and fundamental freedoms, including persons belonging to national or ethnic minorities, with the purposes of maintaining peace and security, strengthening the spirit of tolerance, ascertaining values of cultural diversity and peaceful co-existence of various ethnic communities within the internationally recognized borders of states,

Recognizing that unresolved conflicts and illegal military presence on the territory of the Republic of Azerbaijan, Georgia and the Republic of Moldova undermine the sovereignty, territorial integrity and political independence of these states, impede implementation of full-scale democratic reforms and achievement of sustainable development, jeopardize regional security, negatively impact pan-European integration processes and challenge the entire international community,

Expressing deep concern with regard to increasing security threats emerging from conflict zones, including international terrorism, aggressive separatism, extremism, organized crime and other related dangerous phenomena,

Being deeply concerned of continuing people's sufferings resulting from conflicts and their destructive consequences,

Drawing attention of the international community to the need of conflict-affected states for assistance in restoration of the infrastructure destroyed by military action,

Reaffirming that the root causes of conflicts are multi-faceted by their character and therefore, require comprehensive, complex and stepwise approach to their settlement,

Acknowledging the necessity to intensify conflict settlement efforts and calling upon the states and international and regional arrangements and institutions to further facilitate, within their competence, the processes of settlement of conflicts in the GUAM area,

1. Declare that settlement of conflicts on the territories of the GUAM States shall be carried out exclusively on the basis of respect to sovereignty, territorial integrity and inviolability of internationally recognized borders of these states, and is one of the priority objectives of cooperation within GUAM.

2. Stress that the territory of a state may not be a subject of acquisition or military occupation, resulting from the threat or use of force in breach of the relevant norms of international law. No territorial acquisitions and the resulting self-declared entities may be recognized as legal under any circumstances whatsoever.

3. Remind in this regard about the obligation of states of non-interference with the affairs of any other state and non-exertion of military, political, economic or any other pressure thereupon.

4. Underscore the lack of prospects and malignancy of separatism and disintegration, the incompatibility of the use of force and the practice of ethnic cleansing and territorial seizures with the universal and European values, the principles and ideals of peace, democracy, stability and regional cooperation.

5. Stress in this context the importance of consolidation of efforts of the GUAM States and the international community to settle conflicts on their territories by means of re-integration of uncontrolled territories into the states that they are part of, return of forcibly displaced population to the areas of permanent residency and ensuring peaceful coexistence of various ethnic groups within the internationally recognized borders of the states, development of civil society, restoration of destroyed infrastructure on these territories, and also, use of communications to the benefit of all parties.

6. Especially emphasize the importance of demilitarization of conflict zones and establishment of security in these zones with the help of multinational peacemaking forces deployed therein under UN or OSCE auspices for providing conditions for return of population and peaceful coexistence of ethnic communities.

7. Believe that the status of self-rule for the communities constituting the population of uncontrolled territories that will create the necessary conditions for effective exercise of their rights to equal participation in administration of state affairs, including through formation of legitimate regional authorities at all levels, can be determined exclusively within the legal and democratic process.

8. Welcome the efforts of international community and stress the importance of providing support to GUAM States in the development and implementation of a comprehensive and consistent strategy for conflict settlement based on the above mentioned principles, including short-term and long-term measures aimed at the achievement and maintenance of lasting peace, security and sustainable development.

9. Entrust the Council of Ministers of Foreign Affairs with the task to develop concrete measures and steps with the purpose of implementation of provisions of this Declaration.

Kyiv, 23 May 2006

United Nations S/2006/365

Security Council

Distr.: General
7 June 2006

Original: English

Letter dated 6 June 2006 from the Permanent Representative of Liberia to the United Nations addressed to the President of the Security Council

I present my compliments to you and, upon instructions from my Government, I have the honour to transmit herewith the text of a letter dated 24 May 2006 from Her Excellency Madam Ellen Johnson-Sirleaf, President of the Republic of Liberia, requesting the Security Council to consider the lifting of sanctions imposed on Liberia under Security Council resolution 1521 (2003) (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Lami **Kawah**
Ambassador
Permanent Representative

06-37804 (E) 090606

Annex to the letter dated 6 June 2006 from the Permanent Representative of Liberia to the United Nations addressed to the President of the Security Council

The Government of Liberia presents its compliments and avails itself of this opportunity to request the lifting of the regime of sanctions imposed under United Nations Security Council Resolution 1521 (2003). The resolution revised the basis for action under Chapter VII of the Charter of the United Nations to reflect the changed circumstances in Liberia. It dissolved the Committee established under resolution 1343 (2001) and established the 1521 Committee. It further imposed for a period of twelve months, revised prohibitions in connection with arms, diamonds, timber, and the travel of designated individuals.

The Liberian Government believes that Resolution 1521 (2003) was necessitated by the rapid changes occurring both in Sierra Leone and Liberia as well as the sub-region. For instance, at the time of its passage, peace and security had generally been restored to Sierra Leone with all stakeholders, including the RUF which had been transformed to a political party, playing key roles in process. The initial principal objective which Resolution 1343 (2001) sought to achieve, was for the government of former President Taylor to sever any link between Liberia and the Revolutionary United Front (RUF), end the crisis and restore democratic rule in Sierra Leone, and curtail any threat of insecurity in the sub-region. Under Security Council Resolution 1343 (2001), the Government and people of Liberia were given assurance that the sanctions were to be applied even handedly and in a non-porous way, and that having complied with the demands of the Security Council, it will fulfill its commitment and lift the sanctions. Those demands have since been met, giving rise to the changed situation which necessitated Resolution 1521 (2003)

The Government of Liberia has fully complied with the demands in paragraphs 4(a), 5, 6, 7, 8, 10, 11, 13, of Resolution 1521 (2003) and taken additional measures to satisfy the demands of the United Nations Security Council for the lifting of the sanctions on Liberia.

With specific reference to the demands in paragraph 4(a) of resolution 1521 (2003), the Government of Liberia is pleased to note that Liberia, Sierra Leone and the sub-region are at peace, former President Charles Taylor is currently in the custody of the UN-backed Special Court for Sierra Leone, and that most of the individuals considered to be of threat to peace in the sub-region are positively engaged in the country either in private business or public offices. Additionally, the war in Liberia has ended; all combatants disarmed and demobilized, and a democratic government elected. Currently, the military and security sectors are undergoing reform and restructuring in keeping with the terms of the Accra Comprehensive Peace Accord.

In respect to the diamond industry, the Government of Liberia has effected the following measures:

1. An Act providing for controls on the export, import and transit of rough diamonds was passed into law in 2004. The Act lays out the basic procedures and processes for the productions, sales, export or transit of Liberian rough diamonds;
2. Through assistance from the High Diamond Council in Belgium, a sample of the Kimberley Process Certificate for use by Liberia upon the lifting of sanctions has been designed;
3. A National Diamond Certification and Database Center which is currently under construction with assistance from the US Government will be ready for occupancy in June. In an effort to support Liberia's participation in the world diamond trading market, the US Government recently initiated a US$1.4m program to assist Liberia in implementing the Kimberley Process;
4. In collaboration with the United States Geological Survey through the Futures Group, a geological assessment was conducted in April of this year. This assessment is a cardinal requirement for membership in the KPCS as it determines the diamond potential of a participating country;

5. The Government has instituted several measures including the training of mineral inspectors and mining agents, establishment of regional offices, conducting the re-demarcation of all mining claims through cadastral survey aimed at satisfying the requirements of the KPCS;
6. With the assistance of the UNDP Monrovia office, Government is undertaking the diamond for development (D4D) initiative which will organize small scale miners into cooperatives to ensure that a portion of the sale value of minerals produced in any given community for development purposes through the District Development Committees (DDCs);
7. The Government, in collaboration with the UNDP and UNMIL will organize a Regional Diamond Conference in Monrovia from June 28-30, 2006 with aim of discouraging the illicit mining and trade in diamonds, and at the same time address issues on the harmonization of policies, taxation, legal frameworks, environmental concerns and labor practices; and
8. The Government played host to a Kimberley Process Technical Review Team which visited the country from 22-27 May, 2006 to verify what has been achieved by the Government in meeting the requirements of the United Nations Security Council and the Kimberley Process Certificate Scheme.

Excellency, the Government of Liberia is aware that in spite of the immense sacrificial efforts being exerted to meet the conditions for lifting the regime of sanctions, there continue to be certain unlawful action on the part of those bent on frustrating these positive attempts, to the detriment of the Liberian nation-state AND the country international image. Forceful actions by the government is underway to address this problem.

Concerning the timber industry, the following actions have been taken by the Government of Liberia:

1. Enhanced the capacity of the Forestry Development Authority (FDA) by organizational restructuring and new management; training of personnel in forest law enforcement; chain of custody grading and scaling, forestry inventory among others; amending laws to allow for independent monitoring; establishment of the Liberia Forest Initiative 2004 comprising the US Government, European Commission, World Bank, etc.

2. Commissioned audit of the FDA for the purpose of transparency and accountability. Also adopted a system of depositing all forestry revenues in Government accounts instituted at the Central Bank of Liberia under control of the GEMAP Controller and the Managing Director of the FDA;
3. Reviewed and declared all seventy concession agreements null and void abinicio as per Executive Order #1 issued by the President. Forest Reform Monitoring Committee also established to address efficiency in future concession administration. While the export of timber products is strictly restricted, pit sawing is allowed to supply timber for domestic market only. Addendum to concession agreements reflecting conservation policies and environmental policies under preparation;
4. With World Bank assistance, FDA is conducting a forest inventory to ascertain the potential value of forest resources and to provide information for monitoring, taxation, and enforcement;
5. Undertaking park protection and development program. This exercise has allowed for the removal of illegal miners from Sapo National Park and deployed trained park personnel and FDA staff to the Sapo National Park and Nimba Nature Reserves; and
6. Fully participate in donors meeting and other promotional activities as well as undertake bilateral discussions.

Excellency, the severe social, humanitarian and economic effects of the sanctions on the Liberian Government and the general population are well documented in the Report of the Panel of Experts in pursuance of paragraph 14(e) of Resolution 1607 (2005) concerning Liberia. Your own reports have highlighted the dehumanizing humanitarian and economic plight the Liberian nation has been subjected to. A New Partnership for Africa's Development (NEPAD) Humanitarian Response and Post-Conflict Recovery Sub-Cluster report on Liberia specifically indicated in 7.3.1 that "Liberia faces severe unemployment and underemployment problems, as well as dehumanizing urban and rural poverty levels. Estimates in 2003 indicate that

85% of the labour force was without jobs. All reconstruction and rehabilitation efforts must focus on creating employment and reducing poverty. It would be difficult to defend patterns of economic growth that do not result in substantial poverty reduction, since the post-conflict political and economic order will largely depend on it. It would be preposterous to expect peace and stability in a society where 85% of the people live below the poverty line and are deprived of such basic necessities as adequate nutrition and access to safe drinking water, minimum schooling, primary healthcare and gainful employment". The report made it clear that "progress in poverty reduction in Liberia will come through broad-based economic growth, complimented by efficient provision of infrastructure and social services such as education and health care."

It is highly unlikely that the Government of Liberia can make any significant stride in poverty reduction and the provision of social services when the diamond and timber industries, two significant life wires in the economy of the country continue to be under United Nations sanctions. Additionally, the continued existence of the regime of sanctions is a direct threat to the newly installed peace process and the democratic government which was instituted in its wake. Peace is a pre-requisite of economic recovery, growth and development. Without the guarantee of enduring peace, economic recovery and development can not be assured. Imagining peace in an atmosphere of severe deprivation and poverty is an illusion.

Finally, the government asks for a review of circumstances regarding sanctions in the travel of designated individuals. This review should take into account the fact that such sanctions were imposed because of the relationship with involvement in activities of former President Taylor. In those cases where no such relationship continues to exist or there is no risk to the security of Liberia by activities of those individuals, the government seeks to have these sanctions lifted to send a clear signal to all that law abiding citizens of good behavior that they can enjoy the rights granted them by the Liberian constitution.

Your Excellency, it is against this background, especially not to allow the costly investment in the search for, and restoration of peace in Liberia, that the recent ECOWAS Ministerial Conference held in Monrovia on May 15, 2006 called on the United Nations to lift the sanctions on the country for the new government to have access to needed resources to execute its

programmes and improve the standards of the people. The conviction of the ECOWAS Ministers was that if a democracy such as ours does not produce quick dividends, especially with regard to employment for the youths, the provision of basic socio-economic infrastructure, and security sector reform, the tendency for apathy and cynicism to set in is high, and this poses direct danger to such democracy.

Excellency the lifting of sanctions on Liberia will also simultaneously compliment calls for international economic assistance to consolidate the gains already made. The United Nations can not and must not be seen as contradicting its own goodwill or mitigating its own massive investment in the search and restoration of peace in Liberia.

In this regard, the Government of Liberia recommits itself and looks forward to a more positive and rewarding engagement with the international community, particularly the various organs of the United Nations, and requests the United Nations Security Council, through Your Excellency, to empathize with the suffering people of Liberia and have these sanctions suspended or lifted.

(*Signed*) Ellen **Johnson-Sirleaf**

United Nations S/2006/366

Security Council

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6 June 2006

Original: English

Report of the Secretary-General concerning the credentials of the deputy representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 5 June 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Karen Pierce has been appointed deputy representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, the letter constitutes adequate provisional credentials.

06-37844 (E) 070606

United Nations S/2006/367

Security Council

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7 June 2006

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Letter dated 7 June 2006 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

I have the honour to inform you that during the presidency of Denmark, the Security Council is scheduled to hold a debate on the subject "Strengthening international law: rule of law and the maintenance of international peace and security", on Thursday, 22 June 2006.

Denmark has prepared the attached non-paper to help guide the discussion on this subject (see annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Ellen Margrethe **Loj**
Ambassador
Permanent Representative of Denmark to the United Nations

06-37865 (E) 090606

Annex to the letter dated 7 June 2006 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

Strengthening international law: rule of law and the maintenance of international peace and security

Discussion paper for the open debate in the Security Council on 22 June 2006 under Denmark's presidency

At the World Summit in September 2005, heads of State and Government reaffirmed their commitment to the purposes and principles of the Charter of the United Nations and international law as indispensable foundations of a more peaceful, prosperous and just world.

Recognizing the important role of the General Assembly in the progressive development of international law, the objective of the thematic debate is to consider the Security Council's particular role in promoting international law. The debate provides a platform for an open and frank discussion of the legal tools applied by the Security Council in its endeavours to maintain international peace and security. The Danish Minister for Foreign Affairs, Per Stig Moeller, will preside over the open debate, which should serve to identify current challenges and opportunities for the Council in promoting the international legal order.

The Security Council operates within the framework of international law in all its functions. In pursuance of the purposes and principles of the Charter, the Council, inter alia, has the authority to promote the peaceful settlement of disputes and, in accordance with the Charter, to take steps to ensure compliance with international law.

The Security Council has continuously developed and expanded its approach to maintaining international peace and security in the light of changing global threats and challenges. In the course of the last decade, the Council has increasingly resorted to legal mechanisms in fulfilling its responsibilities. It has established border commissions and compensation mechanisms. Significantly, it has taken a leadership role in establishing international criminal tribunals, actively supported other institutions of criminal justice and insisted that those committing grave violations of international humanitarian law be brought to justice. In the fight against terrorism, the Council has put significant emphasis on the international legal framework. It has moved the focus of its sanctions from States to individuals and other non-State actors, hence focusing more and more on the role and accountability of individuals. And the Council has reaffirmed its role in the peaceful settlement of disputes and called on States to settle their disputes by peaceful means, including through the International Court of Justice. It has thus already made a significant contribution to the strengthening of an international order based on legal principles. In addition, the Council has steadily increased its focus on rule-of-law issues in conflict and post-conflict situations, in specific country situations and thematically.

Among the issues discussed in this context have been, on the one hand, an innovative approach to utilizing the Security Council's powers under the Charter and, on the other, the legitimacy and efficiency of the Council's endeavours to maintain international peace and security.

Below we have outlined three specific and to some degree overlapping issues that we believe could merit special attention.

1. **The promotion of rule of law in conflict and post-conflict situations**

Addressing the causes of armed conflict in a comprehensive manner on a long-term basis is part and parcel of preventing the reoccurrence of armed conflict. Central in this effort is the promotion of the rule of law and transitional justice. In October 2004, the Security Council last had the opportunity to discuss rule of law in conflict and post-conflict societies and, building on the recommendations of the Secretary-General, pointed to the need to take this issue further (S/PRST/2004/34). We hope that the debate will help generate new momentum on this issue. The Peacebuilding Commission has a central role to play. In developing the working relations between the Peacebuilding Commission and the Security Council, the enhancement of rule-of-law activities will be an important aspect that includes ensuring the institutional capacity within the United Nations.

How do we ensure that the promotion of justice and rule of law, including respect for human rights, is fully integrated into the work of the Security Council, more specifically in the context of United Nations peacekeeping operations? How should the Council approach developing a policy on what United Nations peacekeeping missions could do in cases of rule-of-law vacuums, including on the need for United Nations forces to take on detention powers? What role could the Peacebuilding Commission play in advising the Council on rule-of-law issues? How can we best ensure sufficient capacity within the United Nations?

2. **Ending impunity for international crimes**

An essential element in the Security Council's approach to promoting the rule of law, including human rights, at both the national and international levels, is to engage in a concerted effort to end impunity. Impunity violates the fundamental principle of justice and can — if accepted or ignored — aggravate a situation to the extent that it constitutes a threat to peace and security in the affected country and region.

How can the Security Council encourage and support States to bring the perpetrators of international crimes and widespread and systematic human rights violations to justice? Which strategy should the Council pursue in rule-of-law vacuums (i.e. where criminal justice systems have collapsed)? How can the Council ensure sufficient interplay with and support for transitional justice mechanisms, the International Criminal Court and other courts and tribunals, vetting mechanisms and truth and reconciliation processes?

3. **Enhancing the efficiency and credibility of United Nations sanctions regimes**

In the past decade the Security Council has increasingly used sanctions as a tool in conflict management and to promote compliance with international law. Sanctions have become an indispensable element in the fight against terrorism and increasingly been targeted against individuals and other non-State actors. Targeting decision makers — or members of terrorist groups — has increased the efficiency of sanctions. It has, however, also raised a number of fundamental legal questions. In particular, discussions have focused on the need to establish adequate delisting mechanisms to address situations in which individuals or entities for one reason or

another should be removed from the sanctions lists. In addition, a number of ideas relating also to the listing process could have a significant impact on the effectiveness of the sanctions.

Improved due process guarantees will enhance the credibility of the sanctions regimes. And as sanctions which are seen as credible are more likely to be implemented, credibility will in turn enhance the efficiency of sanctions regimes.

In the public debate, the lack of adequate delisting procedures is seen as especially problematic with regard to measures to fight international terrorism. The Security Council has repeatedly stated that, while combating acts of terrorism by all means, the fight against terrorism must take place within the established framework of international law, in particular international human rights, refugee and humanitarian law. While there seems to be broad support for this principle, its more practical application is still under development.

How can the Security Council further develop its delisting procedures in order to enhance the credibility and efficiency of United Nations sanctions regimes? Which other improvements — procedural or otherwise — could add to the efficiency of the sanctions? What more can the Council do to ensure that human rights are protected in the fight against terrorism?

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Security Council

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8 June 2006

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Letter dated 7 June 2006 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 30 April 2006 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-37925 (E) 120606

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. This report covers the period from [illegible] to 30 April 2006.

2. As at 30 April 2006, the total number of troops in theatre was 16 [illegible] included 7 [illegible] troops from [illegible] countries.

3. There was no change in the number of participating [illegible] countries contributing.

Security

4. The overall situation in Kosovo remains calm but fragile. The third round of status talks was held in Vienna on 3 April 2006. The talks were reported as rather unsuccessful and disappointing, owing to the fact that neither side was willing to compromise on the important issue of decentralization. Belgrade continues to press for an entity in Kosovo like the Republika Srpska in Bosnia and Herzegovina, while Pristina seeks ethnically neutral municipalities. Neither side appears flexible at this time. The people of Kosovo continue to closely monitor the status talks process and the diplomacy associated with it. The ongoing process of status negotiation, and its possible outcome, could potentially have implications for the overall stability in Kosovo.

5. During the period, very few inter-ethnic incidents [illegible] were reported and the overall inter-ethnic situation in Kosovo remains calm. It is assessed that the Kosovo Albanians will not want to cause any inter-ethnic unrest because of the possible repercussions it could have on the status talks.

6. No incidents were recorded against KFOR.

7. A total of 408 incidents related to unexploded ordnance, illegal weapons possession, weapons and ammunition findings, drugs, human trafficking and counterfeit currency were reported during the past month. Weapon seizures made up the vast majority of incidents in April 2006. In March 2006, 405 incidents were reported. Smuggling activities will continue to be one of the highest threats towards a safe and secure environment within Kosovo and KFOR troops in Kosovo. There could be confrontations if KFOR soldiers cross paths with smugglers. Most of the Kosovo border is affected by smuggling activity, most of the smuggling is concentrated in the eastern area, however, on the border with the former Yugoslav Republic of Macedonia[a] Even with the frequent seizure of illegal weapons there is no proof that the weapons were intended for extremist or criminal groups. It is important to note that most of the weapons found are probably intended for hunting or personal protection. Most of the weapon finds result in a small number of weapons, therefore there is no known link to possible weapon caches. Drug trafficking is still considered to be one of the most profitable criminal businesses for local organized crime groups. The limited number of reported smuggling-related incidents is assessed to be the result of efforts made by KFOR and UNMIK to fight illegal trafficking along the borders. However, this may also be an indicator that the smugglers are finding new ways to avoid detection by UNMIK and KFOR. Even as the weather conditions are improving, no significant increase of reported criminal

[a] Turkey recognizes the Republic of Macedonia with its constitutional name.

Compliance by the Federal Army of Serbia and Montenegro and the Ministry of Internal Affairs Special Police

9. Two cases of non-compliance have been opened.

Kosovo Protection Corps

10. The KFOR Inspectorate for the Kosovo Protection Corps (KPC) ensures compliance through the day to day supervision of KPC using unannounced full, calls and inspections. The main focus for the Inspectorate in April was the development of an additional training management programme for KPC in support of the Joint Force Command directive.

11. There is nothing significant to report on KPC activities.

12. The current active personnel establishment is 3,038. There are 207 (6.8%) active ethnic minority members (181 male, 26 female): 35 Ashkali, 4 Roma, 11 Egyptian, 17 Croat, 12 Bosniacs, 14 Muslim, 76 Turk, 2 Goran and 56 Serb. The total number of ethnic minorities increased 27 from the previous month. The recruitment of minorities remains a KPC priority. Currently, the percentage of minorities within KPC still remains short of the 10 per cent goal set out in Standard 8. The reserve personnel establishment list includes 2,000 positions, 1,883 filled, of which the ethnic minority number is 54 (2.8%), which is an increase of 14 from the previous month. KFOR Inspectorate headquarters carried out 44 roll-calls. A total of 894 (67.7%) of 1,321 checked KPC members were on duty in their barracks and 168 (12.7%) on duty elsewhere. The active duty strength of 1,062 (duty in barracks and duty elsewheres) shows that an average of 80 per cent of KPC personnel attended work schedules. Roll-calls show a slight decrease in the number of personnel reported absent without permission.

13. KPC conducted training in accordance with the training plan for 2006.

14. There are no significant ceremonies to report.

Conclusion

15. The overall situation in Kosovo will remain fragile because of the ongoing status talks and the possible increase in inter-ethnic tension as the weather conditions improve. The threat level against UNMIK and other international community facilities remains medium, and the threat level for KFOR is low.

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Letter dated 6 June 2006 from the Permanent Representative of Sri Lanka to the United Nations addressed to the President of the Security Council

I have the honour to refer to the Security Council's consideration of the question of the selection of the Secretary-General of the United Nations Organization.

Upon instructions from my Government, I have great pleasure in nominating, for the consideration of the Council, a distinguished career diplomat of my country and former international civil servant, Mr. Jayantha Dhanapala.

Mr. Dhanapala, currently Senior Adviser to the President of Sri Lanka, has had an impressive record of 27 years in Sri Lanka's diplomatic service and 10 years of service at senior levels in the United Nations, initially as Director of the Institute for Disarmament Research from 1987 to 1992 and later as Under-Secretary-General for Disarmament Affairs from 1998 to 2003. He is therefore well known to the United Nations membership at large.

I attach a biographical note on Mr. Jayantha Dhanapala (see annex).

It is the hope of the Government of Sri Lanka that the Council will give favourable consideration to the candidature of Mr. Jayantha Dhanapala with a view to recommending to the General Assembly his appointment as Secretary-General of the United Nations with effect from 1 January 2007.

In view of the role of the General Assembly set out in Article 97 of the Charter of the United Nations, I am also informing the President of the General Assembly of Mr. Dhanapala's nomination as a candidate for the position of Secretary-General.

I would be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council and circulate it as a document of the Security Council.

(*Signed*) Prasad Kariyawasam
Ambassador
Permanent Representative of Sri Lanka to the United Nations

06-38018 (E) 120606

Annex to the letter dated 6 June 2006 from the Permanent Representative of Sri Lanka to the United Nations addressed to the President of the Security Council

Biographical note
Jayantha Dhanapala

Jayantha Dhanapala is currently a Senior Adviser to His Excellency the President of Sri Lanka. Mr. Dhanapala was invited to manage the peace process by the Government of Sri Lanka in mid-2004 after a distinguished career as a national and international diplomat, peacebuilder, disarmament expert and articulate champion of non-discriminatory global norms, i.e. rule of law, the achievement of the Millennium Development Goals and general concerns of developing countries in the collective interest of the international community. He functioned as Secretary-General of the Secretariat for Coordinating the Peace Process till the end of November 2005, when he relinquished duties to devote more time to bid for the post of Secretary-General of the United Nations.

Further to his duties in Sri Lanka, Mr. Dhanapala continues to be active internationally through his membership of several international groups, such as the International Weapons of Mass Destruction Commission, the Governing Board of the Stockholm International Peace Research Institute, the International Advisory Group of the International Committee of the Red Cross, the United Nations University Council, the Geneva Centre for the Democratic Control of Armed Forces, the Advisory Council of the Stanford Institute for International Studies, the International Board of the Bonn International Center for Conversion, the International Advisory Board of the Center for Non-proliferation Studies, Monterey Institute of International Studies, and as Honorary President of the International Peace Bureau.

Mr. Dhanapala has had a distinguished career spanning the private sector, government, the United Nations and academia from 1962 to 2004, interacting with different levels of society, including Heads of State and Government and a wide diversity of nationalities. Following a stint in the private sector in Sri Lanka, he ranked first in seeking entry into the Sri Lankan Foreign Service in 1965 and served thereafter in diplomatic postings in London, Beijing, Washington, D.C., New Delhi and Geneva, culminating in Ambassadorial appointments in Geneva (1984-1987), accredited to the United Nations and in Washington, D.C. (1985-1987). During his diplomatic career, he engaged proactively and innovatively in political, disarmament, economic, trade, human rights and cultural matters in both bilateral and multilateral contexts. He represented Sri Lanka and chaired groups at Non-aligned Movement and South Asian Association for Regional Cooperation conferences, Commonwealth meetings, Conference on Disarmament and disarmament treaty-related meetings, and meetings of the United Nations Conference on Trade and Development, the Commission on Human Rights and other human rights bodies, the International Labour Organization, the World Health Organization, the World Intellectual Property Organization, the World Meteorological Organization, etc. Mr. Dhanapala was widely acclaimed for his Presidency of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, a landmark event in disarmament history, because of his crafting of a package of decisions, which was

adopted without a vote, balancing the twin objectives of nuclear non-proliferation and nuclear disarmament, as well as the concerns of the nuclear-weapon and non-nuclear-weapon States. He was later invited by the Government of Australia to serve with a group of 17 eminent international personalities on the Canberra Commission, which published an influential report on nuclear disarmament and nuclear non-proliferation in 1996.

Schooled and experienced in corporate management, Mr. Dhanapala integrated those skills and experiences into successful governmental, diplomatic, mission and international organization administration. Mr. Dhanapala has an in-depth knowledge of the United Nations gained from 10 years of experience in working in a senior management capacity in the United Nations. As an efficient and effective senior manager, he gained valuable experience in human resources and budgetary management, working smoothly with staff representatives and delegations of Member States. First, he served as Director (D-2) of the United Nations Institute for Disarmament Research (UNIDIR) in Geneva (1987-1992), directing policy-oriented research in an autonomous think tank, broadening the financial base through fund-raising with a wider group of countries and foundations. He acted to expand the area of research to include non-military threats to security, handbooks to assist delegations to the Conference on Disarmament, providing opportunities for training of researchers from developing countries, networking of research institutes in regions, and increasing the volume and impact of UNIDIR publications.

Later, Mr. Dhanapala was hand-picked by Kofi Annan to take on the challenging job of Under-Secretary-General in re-establishing the Department of Disarmament after the United Nations reforms of 1997 (1998-2003). During his tenure, he piloted the United Nations role in arresting the proliferation of small arms and light weapons, anti-personnel landmines, conventional weapons and weapons of mass destruction, while reinforcing existing norms and norm-building in other areas. He also broke new ground, both in-house in taking managerial initiatives in gender mainstreaming and in work-life issues, and in the disarmament field by innovating the exchange of weapons for development programmes in Albania and in other areas as well as in the cross-sectoral linking of disarmament with development, the environment and peace education programmes.

Mr. Dhanapala has had a solid education in the humanities obtaining a Bachelor of Arts (Honours) degree from the University of Peradeniya in Sri Lanka and a Master of Arts (International Studies) degree from the American University (Washington, D.C.). He studied Chinese at the School of Oriental and African Studies of the University of London. He has also had work experience in academia as Diplomat-in-Residence in 1997 with the Centre for Non-proliferation Studies of the Monterey Institute of International Studies in the United States of America, researching and writing on a non-discriminatory global approach to disarmament. He has published four books and several articles in international journals and has lectured in many countries. He was awarded a MacArthur Foundation grant to research and write the book *Multilateral Diplomacy and the NPT: An Insider's Account*, published by UNIDIR in Geneva in 2005. His contributions to the international community are widely recognized through the receipt of many awards, including from Georgetown University (Washington, D.C.), the Monterey Institute of International Studies, the Ploughshares Fund, and the School of International Service of American University (Washington, D.C.) for his work in diplomacy and disarmament, and was the Global Security Institute's first recipient of the Alan

Cranston Peace Award in 2002. Mr. Dhanapala has also received several honorary degrees, including Doctor of Letters (honoris causa) from the University of Peradeniya, Sri Lanka (2000); Doctor of Humane Letters (honoris causa) from the Monterey Institute of International Studies (2001); Doctor of Science in the Social Sciences from the University of Southampton, United Kingdom (2003); and Doctor of Letters (honoris causa) from Sabaragamuwa University, Sri Lanka (2003).

As an effective and eloquent communicator to a wide variety of audiences, Mr. Dhanapala has been invited to deliver several keynote lectures, including the Olof Palme Memorial lecture at the Stockholm International Peace Research Institute in 2004 and the Dorothy Hodgkin Memorial Lecture to the Pugwash Conference in 2003, and has published op-ed articles in international newspapers, such as the *International Herald Tribune* and the *Financial Times* (United Kingdom).

Born on 30 December 1938, Mr. Dhanapala is married, with two children (a daughter, who is an economist, and a son, who has worked as a professional in UNHCR from 1992-1994 and from 1995 to date). He speaks fluent Sinhala, his mother tongue, and English, and is proficient in both French and Chinese.